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NAVAL POSTGRADUATE SCHOOL

MONTEREY, CALIFORNIA

THESIS

**THE ALLIANCE DECIDES THE MISSION?
MULTILATERAL DECISION MAKING AT THE UN AND
NATO ON LIBYA, 2010–2011**

By

David F. Lawrence

June 2012

Thesis Co-Advisors:

Donald Abenheim
Carolyn Halladay

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**THE ALLIANCE DECIDES THE MISSION? MULTILATERAL DECISION
MAKING AT THE UN AND NATO ON LIBYA, 2010–2011**

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Submitted in partial fulfillment of the
requirements for the degree of

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from the

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ABSTRACT

The UN Security Council quickly authorized the use of force, and NATO allies speedily took action in March of 2011 to prevent a potential humanitarian crisis in Libya when it appeared to the international community that civil protest would be met with state sponsored violence on the level of genocide. How did the multilateral decision making processes in NATO and the UN, two separate but related organizations, work in this case? What forces led to a slow or fast decision? What factors contributed to international support for intervention, and what was the character of politics that led to action? The underlying multilateral decision making framework of each organization, a function of structure and original design, will be investigated and compared in light of an historical and in-depth study on multilateralism. Within the contemporary crisis management mindset of the last twenty years, it is easily forgotten that these organizations were created for other purposes. Their *raison d'être* was the prevention of catastrophic world war amongst great powers, not the management of small-scale crises or humanitarian interventions. Thus, their decision making in crisis management is blunt. Libya stands out as an exceptional case, with potential future implications on the use of force.

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I. INTRODUCTION

A. THE QUESTION

How effective in the realms of policy and strategy has been the case of multilateral decision making on the use of force within international security organizations in the Libyan conflict of 2011?¹ Well known is the fact that the UN Security Council quickly authorized the use of force², and that NATO eventually took command of the operation to protect Libyan civilians until it was finished in October of 2011.³ Less well understood by students of policy is how the multilateral decision making processes worked in each case, and what forces led to a slow or fast decision. Also, not well understood is the underlying decision making framework of each organization and its essence. Within the contemporary crisis management mindset of the last twenty years, it is easily forgotten that both organizations were created for purposes other than crisis management in the contemporary strategic landscape of United States hegemony.⁴ Their *raison d'être* was the prevention of catastrophic world war amongst great powers, not the management of small-scale crises or humanitarian interventions.⁵ Thus, their decision making in crisis management is in a sense, colored by crayons from a different box.

Forces of statecraft, national interests, and organizational particulars influence decision making. Of specific interest in this case are the forces, national interests, previous positions on policy, and organization structural tenets that effected national positions, the process of debate, and thus, the scope of decision making leading up to the intervention in the Libyan conflict of 2011. Which forces of policy, politics, and strategy

¹ Alex J. Bellamy and Paul D. Williams, "The New Politics of Protection? Côte d'Ivoire, Libya and the Responsibility to Protect," *International Affairs* vol. 87 no. 4 (July 2011).

² United Nations Security Council. Resolution 1973 (2011). March 17, 2011.

³ NATO website, "NATO and Libya: Operation Unified Protector," accessed February 23, 2012 at http://www.nato.int/cps/en/natolive/topics_71652.htm.

⁴ North Atlantic Treaty, The. Washington, DC, April 4, 1949. Accessed February 23, 2012 at http://www.nato.int/cps/en/natolive/official_texts_17120.htm.

⁵ United Nations, Charter of the United Nations, Chapter I.

as well as personality and interest influenced the debate ? What effect did multilateralism have as a guiding principle of international relations? In this connection, and specifically, why did a coalition of Western and Arab nations begin operations before NATO was willing to take command? What qualitative differences of policy and strategy as well as interest and personality existed at the UN versus NATO? What similarities can be discovered?

The point of this study is to investigate how the UN and NATO came to their respective decisions in as much detail as is possible to reconstruct within a year and a half the events. How were decisions influenced by state participation in multilateral institutions? What is multilateralism in terms of a theoretical organizing influence in international relations? Is it something more than organization in groups of three or more states? Is there something materially different and influential about such an organizing mechanism? What factors influenced the key actors in their decision making at each organization and how did that result in the organization's position and or action? How did the relationships of states to each other, to their national interests, national principles, and their tolerance for external crisis action affect their vote or advocacy on behalf of a particular course of action? What other consequential factors played into the decision making on Libya that may not have been present before? Was there anything special about Libya, i.e. the context, time period, or region in which the protests began that affected the decisions of the two organizations?

As for the U.S., since the advent of the idea of the "Mission Defines the Coalition" at the time of the final war of Yugoslav succession in the late 1990s, U.S. statecraft has embodied a mixed attitude to the requirements of alliance cohesion and contemporary conflict between unilateralism and multilateralism and the requirements of alliance cohesion and statecraft.⁶ However, since 1998, this idea has undergone a

⁶ Patrick M. Stewart, "The Mission Determines the Coalition: The United States and Multilateral Cooperation after 9/11," in *Cooperating for Peace and Security: Evolving Institutions and Arrangements in a Context of Changes in U.S. Security Policy* ed. Bruce D. Jones et. al. (Cambridge: Cambridge University Press, 2010), 20-25.

significant evolution away from a multilateral approach and back again, which showed itself in the short, sharp Libyan conflict of 2011. What is the rationale for the U.S.'s conflicted position?

What effect might the Libyan case have on future use of force decisions, considering it was a fundamental incorporation of the UN's newfound doctrine of "responsibility to protect?"⁷ A comprehensive analysis has not yet been completed on decision making at NATO and the UN for this event. While the event is too recent, the implications for policy and strategy are highly suggestive especially to students of strategy as well as observers of how nations deal with each other.⁸

B. ARAB SPRING AND THE STATE SYSTEM

The "Arab Spring" in North Africa in 2010 roiled the old order in the Middle East, leading to conflict in several countries.⁹ Demonstrations in Tunisia, Egypt, and Libya shared a common cause for personal dignity and responsive government.¹⁰ The violence shocked the world amid the seismic realignment of power associated with the popular uprisings among the North African and Arab nations.¹¹ In Libya, what began as protests "by ragtag bands of armed rebels in the eastern provinces"¹² against the governing regime degenerated into violence and eventually full-scale civil war in late February 2011, when the government of Libya responded with the repression and

⁷ United Nations General Assembly, 2005 World Summit Outcome, September 15, 2005.

⁸ Alex J. Bellamy and Paul D. Williams, "The New Politics of Protection? Côte d'Ivoire, Libya and the Responsibility to Protect," *International Affairs* vol. 87 no. 4 (July 2011).

⁹ Lisa Anderson, "Demystifying the Arab Spring," *Foreign Affairs*, May/Jun 2011, accessed March 26, 2011 at <http://www.foreignaffairs.com/articles/67693/lisa-anderson/demystifying-the-arab-spring>.

¹⁰ Lisa Anderson, "Demystifying the Arab Spring," *Foreign Affairs*, May/Jun 2011, accessed March 26, 2011 at <http://www.foreignaffairs.com/articles/67693/lisa-anderson/demystifying-the-arab-spring>.

¹¹ Although the protests started as an intrinsic response to disillusionment within the country, neighboring revolutionary movements and the phenomenon we now regard as the "Arab Spring" preceded them, formed expectations, and provided the context in which they began.

¹² Lisa Anderson, "Demystifying the Arab Spring," *Foreign Affairs*, May/Jun 2011, accessed March 26, 2011 at <http://www.foreignaffairs.com/articles/67693/lisa-anderson/demystifying-the-arab-spring>.

violence that had been its hallmark since the late 1960s.¹³ High-level defections from the government, the ordering of large-scale executions, and the threatened use of armored fighting vehicles against civilians and civilian populated areas provided the impetus for an international opposition movement that appeared to have the overthrow of the internationally disliked dictator, Muammar Gaddafi, as its object.¹⁴ The hope that a new, more representative government might finally replace Gaddafi appealed to leaders and makers of opinion in the Western world, for whom the dictator had been since the 1970s a source of conflict and chaos.¹⁵

Another fight for regime change in a Muslim country would dissuade the United States from initially projecting its leadership and offering its assistance, burdened as it was with the project of war termination in Iraq and Afghanistan.¹⁶ Thus, the genesis of the term, “leading from behind,” which came from an Obama administration official in an attempt to explain U.S. efforts to a domestic audience.¹⁷ Although ridiculed, it expressed the caution implied in the U.S. policy to avoid the limelight in area of the world where it is currently reviled for its existing interventions.¹⁸ The U.S. effort, although considerable, was disguised by the smaller, but more public efforts of others. Such notable and newsworthy actors as the UN, NATO, France, and the United Kingdom, as well as several neighboring Arab countries influenced the conflict in a material way, while the United States led initial efforts in command and control, apparently behind the scenes. These actors, in their number, intervened to protect the civilian population from mass atrocities expected from the declining regime.

13 Ian Black, ed., “Libya on brink as protests hit Tripoli,” *The Guardian*, February 20, 2011, accessed March 26, 2012 at <http://www.guardian.co.uk/world/2011/feb/20/libya-defiant-protesters-feared-dead>.

14 Ben Barry, “Libya’s Lessons,” *Survival* vol. 53 no. 5 (October-November 2011), 1.

15 Barry, “Libya’s Lessons,” 1.

16 Simon Chesterman, “Leading from Behind: The Responsibility to Protect, the Obama Doctrine, and Humanitarian Intervention in Libya,” *Ethics and International Affairs*, (2011), 4.

17 Simon Chesterman, “Leading from Behind: The Responsibility to Protect, the Obama Doctrine, and Humanitarian Intervention in Libya,” *Ethics and International Affairs*, (2011), 5.

18 Simon Chesterman, “Leading from Behind: The Responsibility to Protect, the Obama Doctrine, and Humanitarian Intervention in Libya,” *Ethics and International Affairs*, (2011), 5.

In an interdependent world in the Twenty-First Century, international organizations have gained an ever-larger influence on the global political scene amid debate about the meaning of this process.¹⁹ Such influential institutions as the UN and NATO are increasingly mentioned in the news as independent actors. Despite the desire of nationalists and unilateralists to exclude such organizations, their role is undeniable.²⁰

C. MULTILATERALISM

The variety of international relations that led to the creation and perpetuation of these institutions is called “multilateralism.” This term, its meaning, its history, its politics, its incorporation into international organizations, and its theoretical underpinnings in contrast to other forms of international relations theory, such as bilateralism or unilateralism, will be examined in order to provide a basic understanding of theoretical effects on the forum in which states debate international security issues. This understanding will help to evaluate the decision making process of two relevant international security organizations. As John Gerard Ruggie, a professor of international relations and prolific writer on multilateralism suggested, “a core and concrete feature of current international institutional arrangements is their multilateral form. Why both the conventional literature on international relations and the literature on institutions should remain relatively silent on it...”²¹ should not affect its continued study, granted the significant role of multilateralism in organizations in real life versus the arcane realm of theory. Rather, the opposite is the case. The fact that multilateralism has been a key component of post-WWII international arrangements²² and little knowledge of its form exists indicates that further investigation of it is worthwhile.²³ An investigation into the

¹⁹ Robert O. Keohane, “Multilateralism: An Agenda for Research,” *International Journal*, 45:4 (1990), 731.

²⁰ Alexandra Gheciu, *NATO in the “New Europe:” The Politics of International Socialization after the Cold War*, (Stanford, CA: Stanford University Press, 2005), 216.

²¹ John Gerard Ruggie, “Multilateralism: The Anatomy of an Institution,” *International Organization*, 46:3 (1992), 598.

²² Ian Q. R. Thomas, *The Promise of Alliance: NATO and the Political Imagination*, (Maryland: Rowman and Littlefield Publishers Inc., 1997), 85.

²³ Robert O. Keohane, “Multilateralism: An Agenda for Research,” *International Journal* 45:4 (1990), 733-735.

meaning of multilateralism, its implementation in international organizations, and how it affects the decision making process will yield insight into a primary component of international organization that is largely unrecognized by theorists as well as by makers of policy.²⁴ Critical influences on decision making include “generalized, expected, and consistent principles of conduct.”²⁵ The multilateral form may be the means underpinning the influence of “principles behind conduct,” and therefore, a force in international politics in its own right.

Open multilateral forums for international cooperation, such institutions as the UN and NATO, both of which the United States had a major hand in creating in the era after 1945, provide the arenas in which nation-states divulge their interests, intentions, motivations, and in which world opinion, as well as scrutiny by other democratic nation-states that adhere to similar values, and other factors serve to influence state behavior along lines of previously agreed to pluralistic principles and values.²⁶ In this case, threats from the long infamous leader of Libya, Colonel Muammar Gaddafi, to use overwhelming force against the rebels inspired the interest of the greater international community, regional organizations, and a few powerful European countries who expected a refugee dilemma as well as sought to establish a sphere of influence as a kind of forward defense in what they deemed to be a long-standing security threat voiced in the halls of NATO since 1989, if not before when one considers the Suez adventure of 1956. The United Nations Security Council (UNSC) acted first to condemn²⁷ and then, as we will see, to provide a mandate for external intervention in a state’s internal affairs without that state’s consent.²⁸ The new “responsibility to protect” (R2P) policy of the United

²⁴ James A. Caporaso, “International Relations Theory and Multilateralism: The Search for Foundations,” *International Organization* 46:3 (1992), 599.

²⁵ John G. Ikenberry, “Is American Multilateralism in Decline?” *Perspectives on Politics* 1:3 (2003): 534.

²⁶ Alexandra Gheciu, *NATO in the “New Europe:” The Politics of International Socialization after the Cold War*, (Stanford, CA: Stanford University Press, 2005), 216.

²⁷ United Nations Security Council. Resolution 1970 (2011). February 26, 2011.

²⁸ United Nations Security Council. “Security Council Approves ‘No-Fly Zone’ over Libya, Authorizing ‘All Necessary Measures’ to Protect Civilians, by Vote of 10 in Favour with 5 Abstentions.” UNSC Press Statement. March 17, 2011.

Nations, a multilateral expression of principles of conduct that has arisen from the security experience of the past twenty years, was to be tested for the first time in application since its official adoption in 2005.

D. MULTILATERALISM AND DECISION MAKING

The decision making process at the United Nations Security Council resulted in a resolution that authorized outside action to be taken on behalf of the citizens of Libya. The United States, France, the United Kingdom, and several other countries initiated efforts to establish a “no-fly zone” over Libya, with the United States reluctantly leading command and control for a little over a week.²⁹ After a short time period, NATO agreed to take over the operation.³⁰ The coalition of national actors relinquished their efforts to the command of the regional security organization of which they are all members or partners. Four non-NATO countries participated in the air operations: Jordan, Qatar, Sweden, and the United Arab Emirates. Why did NATO take so long to come to the lead? What factors played into the decision making process at NATO that resulted in its taking over the operation? And, why did it not do so sooner?

The nature and influence on the decision making process and procedures at the UN Security Council and the North Atlantic Council will be analyzed in light of the authorization of force, military operations, and “responsibility to protect” doctrine in the Libyan Conflict of the year 2011. Outstanding as elements of analysis stand such themes as specific and current national interests; longstanding national principles of statecraft, voting procedures, organizational membership and its own traditions and customs, and varying political and institutional tolerances for a willingness to authorize, or participate in military operations of any kind. The sum of these issues influenced the debate on whether outside parties should intervene in Libya. Once action was authorized, the most appropriate and capable security actor to wield force, NATO, did not immediately

²⁹ Ian Traynor and Nicholas Watt, “Libya: Nato to control no-fly zone after

France gives way to Turkey,” *The Guardian*, March 24, 2011, accessed Feb 20, 2012, <http://www.guardian.co.uk/world/2011/mar/24/france-turkey-nato-libya>.

³⁰ NATO. “Statement by NATO Secretary General Anders Fogh Rasmussen on Libya.” Press Release, March 27, 2011.

assume the lead for its own intriguing reasons that demand a close analysis. Instead, the debate involving the same factors took place in a separate, but somehow linked multilateral forum (the North Atlantic Council) with its own distinct traditions, customs, politics, interests, members, and responsibilities. The debate and decision making process at NATO differed in several key respects that demand analysis from the debate and decision making process that took place in the UN Security Council.

The existing literature on the part of the topic relating specifically to organizational decision making on Libya is limited due to its recent nature. However, several articles of merit have been published on related topics in the immediate past. The timeline of events, procedural aspects of the organizations, news reports, and published speculation surrounding the votes or reports of advocacy of particular national actors will be investigated. The minutes of the North Atlantic Council are not accessible, nor are insider interviews with any of the key representatives. Several scholarly articles have touched on the concept of “responsibility to protect.” These works will form the foundation of research on that part of the topic. Additionally, official pronouncements from NATO and NATO governments, and published resolutions and press announcements from the UN will support the research. It is assumed that enough related literature exists in order to conduct an analysis of the topic and attempt to answer the questions presented.

The main thrust of the theoretical underpinning, definition, and application of multilateralism in international relations comes from Robert O. Keohane,³¹ John Gerard Ruggie,³² Miles Kahler,³³ James A. Caporaso,³⁴ Steve Weber,³⁵ and Giovanni Grevi.³⁶ These writers define the term in depth, as will be seen in Chapter II, and provide much of the meaning behind multilateralism as a force in international politics. Keohane is useful for the initial, rough definition, and avoiding application of the term in too broad of a sense. To broaden it would be to weaken it and limit its usefulness. His definition limits multilateralism to state government interactions, avoids its application to non-governmental organizations (NGOs) or multinational corporations (MNCs). Ruggie and Kahler provide evidence and in-depth analysis on the qualitative component of multilateralism. What is it about multilateralism that is characteristically different, besides the numbers involved, with bilateralism, unilateralism, or other ways of interacting in the international arena? Weber provides an historical review of multilateralism in NATO. American influence in the post-World War II era, creating international institutions for the preservation of peace offers insight into the post-Cold War period of multilateral cooperation. Grevi discusses the application of multilateralism in the contemporary time period as a means of mitigating expected changes in the international power structure. This is especially relevant as we examine contemporary

31 Robert O. Keohane, "Multilateralism: An Agenda for Research," *International Journal* 45:4 (1990), 731-764.

32 John Gerard Ruggie, ed. *Multilateralism Matters: The Theory and Praxis of an Institutional Form*, New York: Columbia University Press, 1993. And "Multilateralism: The Anatomy of an Institution," *International Organization*, 46:3 (1992) 561-598.

33 Miles Kahler, "Multilateralism with Small and Large Numbers," *International Organization* 46:3 (1992), 681-708.

34 James A. Caporaso, "International Relations Theory and Multilateralism: The Search for Foundations," *International Organization* 46:3 (1992), 599-632.

35 Steve Weber, "Shaping the Postwar Balance of Power: Multilateralism in NATO," *International Organization* 46:3 (1992), 633-680.

36 Giovanni Grevi, "The Interpolar World: A New Scenario," Occasional Paper 79 Paris: EU Institute for Security Studies (2009), accessed January 15, 2012 at <http://www.iss.europa.eu/uploads/media/op79.pdf>.

decision making in multilateral organizations on a particular case. Chapter II goes into detail on the theory of multilateralism and its historical precedent in the organizations under review.

Decision making at the organizational level can be examined by comparing the organizational structure and methodology with the resultant reports, press releases, and actions. The timeline of these events is especially important. At NATO, the North Atlantic Treaty, press releases from Secretary General Anders Fogh Rasmussen, as well as U.S. and European news articles provide material for the investigation. Stanley R. Sloan's book, *Permanent Alliance?* provides a reference to current NATO issues and the organization's evolution with current trends.³⁷ Robert S. Jordan provides an historic look into the beginnings of NATO through biography of one its first supreme commanders, Lauris Norstad.³⁸ Wallace J. Thies examines the way members bargain with each other over who will do what for a collective effort in his book, *Friendly Rivals: Bargaining and Burden Shifting in NATO*.³⁹ Additional books by Ian Q.R. Thomas,⁴⁰ Anand Menon,⁴¹ Ronald D. Asmus,⁴² Alexandra Gheciu,⁴³ and a collection of essays edited by Gulnur Aybet and Rebecca R. Moore⁴⁴ provide much of the background information for how NATO operates, what issues have characterized its evolution, and the forces involved in the tradition of its consensus based decision making tradition. The NATO website is

³⁷ Stanley R. Sloan, *Permanent Alliance? NATO and the Transatlantic Bargain from Truman to Obama*, (New York: The Continuum International Publishing Group Inc., 2010.)

³⁸ Robert S. Jordan, Norstad: Cold War NATO Supreme Commander, Airman, Strategist, Diplomat, (New York: St. Martin's Press Inc., 2000.)

³⁹ Wallace J. Thies, *Friendly Rivals: Bargaining and Burden-shifting in NATO*, (New York: M.E. Sharpe, Inc., 2003.)

⁴⁰ Ian Q. R. Thomas, *The Promise of Alliance: NATO and the Political Imagination*, (Maryland: Rowman and Littlefield Publishers Inc., 1997.)

⁴¹ Anand Menon, *France, NATO and the Limits of Independence 1981-97: The Politics of Ambivalence*, (New York: St. Martin's Press, 2000.)

⁴² Ronald D. Asmus, *Opening NATO's Door: How the Alliance Remade Itself for a New Era*, (New York: Columbia University Press, 2002.)

⁴³ Alexandra Gheciu, *NATO in the "New Europe:" The Politics of International Socialization after the Cold War*, (Stanford, CA: Stanford University Press, 2005), 216.

⁴⁴ Gulnur Aybet and Rebecca R. Moore ed. *NATO: In Search of a Vision*, (Washington, D.C.: Georgetown University Press, 2010.)

another reference. Two scholarly articles, one an interview of the former SACEUR by David S. Yost,⁴⁵ and the other a commentary on new ideas for decision making procedures at NATO from an American perspective by Leo G. Michel⁴⁶ provide a unique perspective into the way decisions take place in the NAC. Ryan C. Hendrickson's book on the NATO Secretary General is another source of key insight into NATO decision making through the influence of the Secretary General specifically. The difficulty with NATO is that the minutes and comments from meetings of the North Atlantic Council are not releasable until all member states have consented, which in the case of events of a half century ago, has yet to happen in certain cases.⁴⁷ Another challenge is that certain key NATO nations chose to meet independently of the North Atlantic Council to make an initial decision on Libya. Part of the results of one such meeting was made public by a "Communiqué" posted by the French government and entitled "Paris Summit for the support to the Libyan People."⁴⁸

At the United Nations a similar approach will be taken, but with some distinctions. The UN Charter and UN Security Council resolutions provide the material to investigate the decision making process and procedures. Official UN Security Council Press Releases and reports provide voting results and explanatory commentary by individual states on the rationale for their votes. Scholarly articles by Alex J. Bellamy,⁴⁹ Paul D. Williams,⁵⁰ Simon Chesterman,⁵¹ Thomas Weiss,⁵² and others on the

45 David S. Yost, "An Interview with General James L. Jones, USMC, Retired, Supreme Allied Commander Europe (SACEUR), 2003-2006," in Research Paper, NATO Defense College, no. 34 (January 2008).

46 Leo G. Michel, "NATO Decision making: Au Revoir to the Consensus Rule?" Strategic Forum no. 202, Washington, DC: Institute for National Strategic Studies, National Defense University, August 2003.

47 Ryan C. Hendrickson, *Diplomacy and War at NATO: The Secretary General and Military Action after the Cold War*, Columbia and London: University of Missouri Press, 2006, 40.

48 Communiqué, "Paris Summit for the support to the Libyan People," March 19, 2011, accessed February 23, 2012 at <http://www.state.gov/p/eur/rls/or/158663.htm>.

49 Alex J. Bellamy, "Libya and the Responsibility to Protect: The Exception and the Norm," *Ethics and International Affairs* (2011).

50 Alex J. Bellamy and Paul D. Williams, "The New Politics of Protection? Côte d'Ivoire, Libya and the Responsibility to Protect," *International Affairs* vol. 87 no. 4 (July 2011).

51 Simon Chesterman, "Leading from Behind: The Responsibility to Protect, the Obama Doctrine, and Humanitarian Intervention in Libya," *Ethics and International Affairs*, (2011).

“responsibility to protect” doctrine and its effects provide insight and a means of understanding national commentary and voting behavior at the UN Security Council. Many of these articles are the most current, relevant, and specific scholarly articles on the Libya case, and on UN decision making on intervention in Libya. Also, official UN documents “Implementing the responsibility to protect,” by the UN Secretary General⁵³, and the UN General Assembly 2005 World Summit Outcome document⁵⁴ provide a background of institutional acceptance of this newfound phenomenon in international relations.

The method chosen to conduct this analysis is one of comparison. A comparison of decision making in the UN Security Council and the North Atlantic Council, as well as an analysis of how multilateralism and one of its recently adopted principles of expected conduct, the “responsibility to protect,” affected the context and debate in each decision making forum. Many of the same actors participated in both organizations. How the major players interacted in one organizational context versus the other will be analyzed. The similar or different advocacy in different organizational contexts may offer some insight. Also, the lack of membership in one organization or the other may have affected the nature of the debate. The point of comparing the decision making of the organizations is to uncover what factors led to the “limited consensus” in multilateral format, for each, that allowed for the implementation of the “responsibility to protect” in the Libyan case.

In the attempt to answer the initial question, the study is organized using the following framework: a.) introduction; b.) multilateralism; c.) decision making in the UN Security Council, d.) decision making in NATO, and e.) conclusion. The multilateralism section defines multilateralism, uncovers its nature, provides an historical account of its implementation in post-WWII Europe, speculates on its direction for the future, and most importantly provide its specific application to the organizations and

52 Thomas Weiss, “RtoP Alive and Well after Libya,” *Ethics and International Affairs* (2011).

53 United Nations General Assembly, “Implementing the responsibility to protect,” Report of the Secretary-General, January 12, 2009.

54 United Nations General Assembly, 2005 World Summit Outcome, September 15, 2005.

questions at hand. The chapter will ask the questions: What is multilateralism? How is it defined? What are its qualitative components? Where and how is it utilized? Where did it come from? What are its future prospects as a force in international politics?

Next, this study will investigate, analyze, and compare the decision making at the UN Security Council first, and NATO second. In both cases, questions will revolve around decision making structure, procedures, membership, influences, principles of conduct, national considerations, and organizational dynamics. Since the material available for the two organizations is different, the analysis will differ in some respects. The hope is that the critical similarities and differences in these organizations in this particular case can be discerned and explained. Multilateral decision making can take many forms, which reflects the reality of the realm of statecraft in its variety. Comparing two organizations in one case has value because both dealt with similar information, but had different influences, roles, missions, and politics at work. The end result of their decision making is known, but the means, the process, the choice of path taken to get there is unclear at this point despite its significant implications for the character of war and peace in the present and future.

A preliminary answer to the questions posed by this thesis as to the contemporary character of multilateralism and security will come in the conclusion. Effectively, multilateralism matters in organizational decision making on collective security matters. It is important not merely to the ends of crisis action use of force decisions, but to the purposes for which the organizations were originally designed: the prevention of world war among major powers. Consultations with allies, as in the case of NATO, and open forums that contribute to discussion and debate amongst world powers on contemporary security problems with the potential to destabilize the international system of states, as in the case of the UN Security Council, are minimally, multilateral mechanisms to reduce the uncertainty that leads to large-scale conflict, and at times, effective decision making structures on small-scale crisis action interventions. The most important factors of theory, policy, institutional custom, as well as the imponderables of personality and the moment

in the evolution of force and statecraft that influenced organizational decision making in the Libyan case will be provided. Additionally, how the decision making that led to intervention in Libya may be of some future importance to a new generation of makers of strategy in the midst of rapid change.

II. MULTILATERALISM AND THE SYSTEM OF NATION STATES

A. MULTILATERALISM DEFINED

A comprehensive and precise definition of multilateralism is important to understanding the complex meaning of the term and its usage as a critical component of the main argument of this investigation. The specific type of decision making being analyzed is the multilateral. What exactly does multilateral mean in regards to organizational decision making? Is it a loaded term in international relations theory with meaning beyond its simple conception? Multilateralism finds its most vaunted place among a specific niche of neo-liberal institutionalists and theorists and their explanative definitions begin this chapter. They include Robert O. Keohane,⁵⁵ John Gerard Ruggie,⁵⁶ Miles Kahler,⁵⁷ James A. Caporaso,⁵⁸ and John G. Ikenberry.⁵⁹ Additionally, multilateralism is used in the writings on the prospect of a multipolar system by Giovanni

⁵⁵ Robert O. Keohane, "Multilateralism: An Agenda for Research," *International Journal* 45:4 (1990), 731-764.

⁵⁶ John Gerard Ruggie, "Multilateralism: The Anatomy of an Institution," *International Organization*, 46:3 (1992) 561-598. And John Gerard Ruggie, ed. *Multilateralism Matters: The Theory and Praxis of an Institutional Form*, (New York: Columbia University Press, 1993).

⁵⁷ Miles Kahler, "Multilateralism with Small and Large Numbers," *International Organization* 46:3 (1992): 681-708.

⁵⁸ James A. Caporaso, "International Relations Theory and Multilateralism: The Search for Foundations," *International Organization* 46:3 (1992): 599-632.

⁵⁹ John G. Ikenberry, "Is American Multilateralism in Decline?" *Perspectives on Politics* 1:3 (2003): 533-550.

Grevi,⁶⁰ the EU's CSDP by Jolyon Howorth,⁶¹ the EU in its relations with other organizations by Martin Ortega⁶² and by Marc Otte,⁶³ and by Patrick Stewart⁶⁴ in an essay investigating the U.S.'s conflicted contemporary position.

As will be investigated more thoroughly, the most simple conception of the term—organizing relations among more three or more participants—requires us to know much more than what type of participants, what type of relations, and what characterizes such relations differently, or the same, as some other sort of organizing mechanism in number, or quality? Additionally, what capacity has multilateralism as an organizing principle, been used in the genesis of organizations such as NATO?⁶⁵ How has the evolution of multilateralism unfolded in NATO to its current place today?⁶⁶ NATO is used in this chapter as the prime example of depicting multilateralism in its historic place as a force in international statecraft. Multilateralism was the organizing principle that joined previously antagonistic European nations and set up the international system using American principles of balancing power after WWII in what Stanley R. Sloan calls a

⁶⁰ Giovanni Grevi, "The Interpolar World: A New Scenario," Occasional Paper 79 Paris: EU Institute for Security Studies, (2009) accessed January 15, 2012 at <http://www.iss.europa.eu/uploads/media/op79.pdf>.

⁶¹ Jolyon Howorth, *Security and Defense Policy in the European Union*, (New York: Palgrave Macmillan, 2007).

⁶² Martin Ortega, "The European Union and the United Nations: Partners in Effective Multilateralism," Chaillot Paper 78 Paris: EU Institute for Security Studies (2005), accessed March 14, 2012 at <http://www.iss.europa.eu/publications/detail/article/the-european-union-and-the-united-nations-partners-in-effective-multilateralism/>

⁶³ Marc Otte, "ESDP and Multilateral Security Organizations: Working with NATO, the UN and OSCE," in *The EU's Search for a Strategic Role*, edited by Esther Brimmer, (Washington, DC: Center for Transatlantic Relations, 2002).

⁶⁴ Patrick M. Stewart, "The Mission Determines the Coalition: The United States and Multilateral Cooperation after 9/11," in *Cooperating for Peace and Security: Evolving Institutions and Arrangements in a Context of Changes in U.S. Security Policy*, edited by Bruce D. Jones, Shepard Forman, and Richard Gowan, 20-44, (Cambridge: Cambridge University Press, 2010).

⁶⁵ Steve Weber, "Shaping the Postwar Balance of Power: Multilateralism in NATO," *International Organization* 46:3 (1992), 633-680.

⁶⁶ Ian Q. R. Thomas, *The Promise of Alliance: NATO and the Political Imagination*, (Maryland: Rowman and Littlefield Publishers Inc., 1997).

transatlantic bargain.⁶⁷ In contrast, and for the purposes of deciphering the changing, and complicated U.S. position towards multilateralism, in relation to its contemporary support by the nations of Europe, the European Union, and specifically the EU's Common Security and Defense Policy, will also be analyzed as an example of multilateralism in organizations.

One of the most preeminent political science scholars of institutionalism, Robert O. Keohane, describes multilateralism as "the practice of co-ordinating national policies in groups of three or more states through ad hoc arrangements or by means of institutions."⁶⁸ He distinguishes multilateralism as specific to interstate relations and inter-government relations. Other transnational organizations or alliances, such as those in business or humanitarian aid remain outside of his conception of multilateralism.⁶⁹ His definition is simply coordination between members of a group of nation states with more than two participants.

Keohane further limits his definition with two main forms of state based multilateral arrangements: temporary, non-persistent, and ad hoc; or permanent, persistent, and institutional. The latter includes the creation of an institution, usually an international organization, to embody the "persistent and connected sets of rules, formal and informal, that prescribe behavioral roles, constrain activity, and shape expectations."⁷⁰ The former exists on an ad hoc basis, is usually issue specific, of short duration, and designed to solve particular problems, which do not persist over a long period of time. These multilateral arrangements are temporary. If one was expected to persist, it would typically result in the creation of some sort of organization to monitor and manage the agreed on rules, and thereby transform into the latter form.⁷¹ Again, the main difference between the two forms involves whether the issue is of a temporary nature and can be solved by multilateral cooperation over a short period of time, or

⁶⁷ Stanley R. Sloan, *Permanent Alliance? NATO and the Transatlantic Bargain from Truman to Obama*, (New York: The Continuum International Publishing Group Inc., 2010).

⁶⁸ Keohane, "Multilateralism," 731.

⁶⁹ Keohane, "Multilateralism," 732.

⁷⁰ Keohane, "Multilateralism," 732.

⁷¹ Keohane, "Multilateralism," 733.

whether it is an ongoing problem that requires an organization to monitor. Multilateral cooperation on persistent issues is organized by participation in international institutions. These organizations assist governments to develop expertise, monitor state compliance, and provide forums for discussion and policy changes on the particular issue area. International institutions, at least those of a multilateral form and which represent issues of an ongoing nature such as security, are a central tenet and perhaps the most enduring influence on multilateralism for Keohane.

Expanding on Keohane's definition, John Gerard Ruggie⁷² establishes a "qualitative" dimension to multilateralism. He argues that this is the key determinant differentiating the multilateral from other forms.⁷³ Ruggie says, "what is distinctive about multilateralism is not merely that it coordinates national policies in groups of three or more states, [Keohane's definition] which is something that other organizational forms also do, but that it does so on the basis of certain principles of ordering relations among those states."⁷⁴ This statement requires explanation on two counts. What are those other organizational forms? And, what are the certain principles to which he refers?

B. MULTILATERALISM IN CONTRAST

Two other forms of organizing interstate politics are bilateralism and imperialism. Bilateralism is normally thought of in the simple form as an arrangement made between two states. It is typically identified by its numerical component. A series of bilateral arrangements can be made between sets of states with each other on different issue areas, but each arrangement involves only two participants. The qualitative component, the part that describes the nature of the relations is more descriptive of the term. Bilateral arrangements are distinguished on one count by their exclusion of other states, and on another count by their reflection of the power relations that exist between the two states.

⁷² John Gerard Ruggie, "Multilateralism: The Anatomy of an Institution," *International Organization*, 46:3 (1992): 574.

⁷³ John Gerard Ruggie, "Multilateralism: The Anatomy of an Institution," *International Organization*, 46:3 (1992): 574.

⁷⁴ Ruggie, "Multilateralism," 567.

Miles Kahler says that bilateral agreements are “discriminatory arrangements that were believed to enhance the leverage of the powerful over the weak and to increase international conflict.”⁷⁵ For example, on trade agreements, A makes an agreement with B with particular protective measures in place. A then makes a different agreement with C with less restrictive protective measures in place. The relations between A and B, and A and C, are not equal, open, or based on a set principles to which many states could adhere. Rather they are based on specific interests, preferences, and the nature of competition between only A and B, and A and C respectively.

Bilateralism then is based on a specific type of reciprocity,⁷⁶ a balancing of costs and benefits between the two states in agreement with each other on a “tit for tat” basis. This basis is often biased in favor of one participant because one state typically depends much more on the other. It also involves only the states to the party, not universal principles or a concept of fairness that could be extended to other states. As a result, were B to realize that A was trading with C under less restrictive measures, it would desire the same treatment. Exclusive of other interests and considering only the factors in this example, A, the powerful state, desires a series of bilateral relations that it can influence with its power differential over B and C, in order to extract better terms for itself. Bilateralism then includes the descriptive components: agreements are made between two states with each other to the exclusion of other states, the nature of the agreements is based on specific reciprocity, and the agreements are not based on universal principles which can be extended to others, but are rather a reflection of the relationship of unequal dependence between the two states.

Ruggie identifies imperialism as the third form of organizing states via institutional arrangements. This form, however, denies the sovereignty and dignity of subject states.⁷⁷ Therefore, one or more strong states impose an imperial relationship on and to the detriment of weaker states, which did not necessarily agree to their exploitation. Imperialism was historically instituted through coercion and force. It

⁷⁵ Miles Kahler, “Multilateralism with Small and Large Numbers,” *International Organization* 46:3 (1992): 682.

⁷⁶ Ruggie, “Multilateralism,” 572.

⁷⁷ Ruggie, “Multilateralism,” 571.

involved an asymmetric power relationship and a concept of a superior/inferior relationship, which prevented the establishment of any consensual agreement. Imperialism is now widely detested and most states avoid any mention of its tenets. The term is used by some to describe indirect forms of influence by the powerful over the weak, in an attempt to point out an exploitative type of relationship, i.e. “economic imperialism.” Multilateralism is distinguished from bilateralism and imperialism in a few important qualitative dimensions beyond the number of participants involved and the power relationships contained. Thus, the multilateral relationship must include characteristics that become meaningful amid the “social construction” of multiple states embracing them.⁷⁸

C. PRINCIPLES OF CONDUCT

Multilateralism is more than relations between three or more states. This does not mean it must involve all states in the world. It does mean that it must include more than two. Multilateralism then, coordinates relations based not on the specific, individual, and particular interests of the parties involved, but rather on general principles of conduct to which all can adhere and agree on in some form. These general principles of conduct then influence the socialization process as states explain their interests, justify their actions, and attempt to broker multilateral agreements that meet the criteria established in the general principles to which they have already agreed.

The idea of “general principles of conduct” which states uphold entails two corollary concepts. The first is the idea of “indivisibility” and the second is that of “diffuse reciprocity.” Indivisibility includes the idea that the costs and benefits of collective action or agreement cannot be divided up among the states differently. It cannot be given only to those who adhere to the agreement. This concept includes the idea that states are sovereign and that they willingly enter into multilateral agreements or organizations of their own accord knowing that they will reap the benefits and suffer the costs of the collective agreement. There is typically no opt-out clause.

⁷⁸ Ruggie, “Multilateralism,” 571.

Diffuse reciprocity involves a rough equivalence of benefits afforded to all participants over the long term. It is distinguished from the specific reciprocity of bilateralism, wherein each agreement is based on the precise exchange between two participants. Diffuse reciprocity involves trust, belief in long term benefit, and confidence that the generally accepted standards of behavior will be in a state's long-term interest. States willingly enter into multilateral arrangements, participate in multilateral organizations, and subordinate specific interests under the premise that the principles which will be adopted and socially enforced by group behavioral dynamics will ultimately be in their long term interest. If other states adhere to the principles they espouse, which they are more likely to adhere given that they have been made in public, rather than privately between only one other state, then the resultant collective action of several states over the long term will eventually benefit all roughly equivalently.

Ruggie also distinguishes between international orders, regimes, and organizations, demonstrating unintentionally the increasing institutionalization of the phenomenon of multilateralism, but also showing that multilateralism is not tied exclusively to international organizations. Multilateral intergovernmental organizations have increased from 100 in 1945 to over 600 in 1980.⁷⁹ An order depicts an existing international condition to which several states adhere and includes a concept of equal access to a common good. It does not say how that order is achieved.⁸⁰ A regime "encompasses principles, norms, rules, and decision making procedures around which actor expectations converge,"⁸¹ but does not necessarily have a separate organizational structure from the states party to the regime. An organization is a formal and separate entity with a physical headquarters, staff, voting procedures, interest in self-perpetuation, etc. Ruggie argues that multilateralism should not be confused with international multilateral organizations exclusively and especially with any particular institutional expression of it. He additionally differentiates what makes multilateral institutions, in whichever form—order, regime, or organization—multilateral, beyond the numbers of

79 Keohane, "Multilateralism," 731.

80 Ruggie, "Multilateralism," 572.

81 Ruggie, "Multilateralism," 573.

states involved. Ruggie's definition of multilateralism is an expansion of Keohane's definition: a form of coordinating behavior among three or more states on the basis of generalized principles of conduct. It is the qualitative component of "generalized principles of conduct" which can be further investigated in particular cases to yield additional insight on the nature of the multilateral form.

D. MULTILATERALISM IN DEPTH

Returning to a theoretical discussion of multilateralism, and defining it more specifically now in order to investigate its underlying drivers more fully: multilateralism organizes interstate relations in groups of three or more states and encompasses the concepts of indivisibility, diffuse reciprocity, and generalized principles of conduct. James A. Caporaso expands on these three concepts. He says that indivisibility can be thought of as the scope over which costs and benefits are spread.⁸² Collective security is an example. Security is indivisible. An attack on one is considered an attack on all. This is not true technically, but considered as such socially, by sacred agreement, and by state commitment.

Diffuse reciprocity emphasizes that states expect to benefit in the long run through their loyalty to the organization and their adherence to its rules. They expect to benefit over many issues, rather than every time on every issue.⁸³ This contrasts with the "tit for tat" type of reciprocity typical of bilateral arrangements.

Generalized principles of conduct are norms of behavior "exhorting general if not universal modes of relating to other states, rather than differentiating relations case-by-case on the basis of individual preferences, situational exigencies, or a priori particularistic grounds."⁸⁴ What underlies these generalized principles of conduct? Most simply, the idea of deciding in advance what appropriate state behavior entails on a given issue area.

⁸² James A. Caporaso, "International Relations Theory and Multilateralism: The Search for Foundations," *International Organization*, 46:3 (1992): 602.

⁸³ Caporaso, "International Relations," 602.

⁸⁴ Caporaso, "International Relations," 602.

Although existing interests and perceptions of participants affect the debate in a multilateral forum, several additional institutional characteristics also significantly affect the outcome of multilateral negotiations. Institutions shape preferences by providing an environment in which socialization and learning can occur. That makes it easier to punish free riders and defectors. The continuous contact, exchange of information, and education can alter perceptions. Institutions provide forums for discussion that can increase trust and reduce uncertainty about the actions of others. They ease coordination problems and promote adherence to norms.⁸⁵ Institutions provide the means for multilateral debate to spawn new solutions to problems through the open and communicative nature of its discourse.

Negotiation theory of the past used to emphasize hard line approaches, deception, and withholding of information. Today, negotiation theory espouses mutual sharing, a slow building up of trust and communication between the parties, and consecutive divulgements of information with associated value assessments. The idea is to discover differences in what each party value so that a better agreement can be reached where both parties get more of what they want. More often than not with hard line approaches and deception, one party realizes it is being deceived and withdraws from the negotiation, purposely sacrificing chances for gain in order to punish the other for the violation of trust. The new approach to negotiation emphasizes communication, an indirect approach with a focus on the possibility of a long-term relationship over short-term profit, and open exploration of value differences that can be exploited by both parties for mutual gain.

Multilateral institutions provide a similar means for states to come together on particular issue areas and discuss appropriate forms of behavior. Through the process of discussion and debate, i.e. through divulgence of the merits and costs of particular proposals on particular state interests, learning can occur, trust can be built, understanding of other positions can be achieved, socialization of ideas in general can take place, and more workable, attainable, agreeable solutions to multi-state problems can

⁸⁵ Caporaso, "International Relations," 625.

be invented. Additionally, many ideas that were not considered feasible before being socialized may in fact turn out to be workable after their merits and consequences have been thoroughly vetted. In this context, multilateral institutions present a considerable opportunity for more effective international agreements, with greater adherence by participating states, and which carry greater legitimacy if for no other reason than the nature of the multilateral institutional context from which they were born.

Generalized principles of conduct, and the institutional forum in which they exist, i.e. international organizations, incorporate numerous qualitative benefits beyond their simple conception. It takes time, cost, and a sense of governmental patience to navigate the constraints of multilateral decision making forums. However, such institutional forums offer the promise of better solutions to international problems. Societies should not expect instantaneous results to complex global governance challenges.

E. MULTILATERALISM IN NATO

How did multilateralism arrive as a force in the realm of international politics? The incorporation of multilateralism in the post-WWII era in Europe is covered by Steve Weber in his article, “Shaping the Postwar Balance of Power: Multilateralism in NATO.” He describes two competing sets of ideas that drove U.S. foreign policy makers in the immediate period after WWII and how they evolved during the following era. The first set of ideas was political in nature and derived from fundamental beliefs regarding the balance of power and the desired number of poles in the international system. The second set of ideas concerned the military and command/control considerations of nuclear deterrence.⁸⁶ Over time, the military considerations of strategic nuclear deterrence increased in precedence in American foreign policy thought. They overtook the political ideas that dealt with the establishment of a multipolar system as a means of mitigating Soviet power and providing stability to the international system.

NATO first emerged in 1948–1949 as one entity amongst a variety of institutions designed to promote security, international cooperation, and progress in the transatlantic

⁸⁶ Steve Weber, “Shaping the Postwar Balance of Power: Multilateralism in NATO,” *International Organization* 46:3 (1992): 634.

relationship between Europe and the United States. The idea was to construct multilateral institutions to rebuild Europe unlike the failed effort in 1919, different from the conditions and small coalitions that led to WWII, but with some form of political integration that would allow a united and anti-communist Europe to become the third pole in a multipolar system. It was thought that this was the best way to balance against the rising Soviet Union and their communist expansionism. A bipolar system of competitive, antagonistic, and unyielding ideologies was thought would lead to another catastrophic war.⁸⁷

Roosevelt, Truman, Eisenhower, and Kennan all believed that U.S. support was crucial to rebuild Europe. They wanted to do it in a multilateral manner and with the help of multilateral institutions. Multilateralism was the organizing principle that would join previously antagonistic European nations and set up the international system using American principles of balancing power. This was the means to develop a multipolar system: the desired end state. A European pole according to Kennan would “restrain the Soviets and the Americans from taking too many foreign policy risks and from indulging in crusades to reshape the world in their own image.”⁸⁸ It was widely believed that a multipolar system was the most stable international order, would balance against the type of power politics which drove the European nations into WWII, would avoid the system of bilateral alliances which caused WWI, and would therefore be the key ingredient in creating the conditions for the peace and stability. International stability would be conducive to long term U.S. prosperity.⁸⁹ These foreign policy experts during this time period consciously resisted quick fixes to European security dilemmas, a system of bilateral agreements, and other seemingly short-term solutions to solving the security problems of European allies separately with U.S. military commitments.

The development of NATO was initially influenced by these beliefs. In its initial signing, it was designed to bind the United States to European security concerns.⁹⁰ It was

⁸⁷ Weber, “Shaping,” 643.

⁸⁸ Weber, “Shaping,” 641.

⁸⁹ Weber, “Shaping,” 638-669.

⁹⁰ Thomas, *The Promise of Alliance*, 11.

completely multilateral in form and nothing in the treaty provided the United States a privileged position within the alliance. It was not until the Korean War⁹¹ that concerns of Soviet invasion and the requirement for a large land army stationed in Europe required further leadership and integrated coordination of large military operations.⁹² This new requirement necessitated leadership, changed NATO's form, and because the United States provided strong counterbalancing leadership, it also enabled increased French-German cooperation, wherein French concerns of German military power were somewhat mitigated by the U.S. promise of continued involvement.⁹³

An investigation of a few key articles in the North Atlantic Treaty shows how the concepts of multilateralism were incorporated into NATO's structure from the beginning. Article II includes the idea of peace through institutions and economics. "The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions...They will seek to eliminate conflict in their international economic policies..."⁹⁴ The link between economic recovery and political stability was first made by George C. Marshall in a speech at Harvard University in 1947.⁹⁵ This link was manifest in the Marshall Plan and the Economic Cooperation Act of 1948, which tied Europe's receipt of U.S. economic aid to European cooperation. Another belief, affecting U.S. foreign policy during the end of 1948 and beginning of 1949 involved the idea that the "principal threat to Europe was political rather than military, [and] that the most effective means for dealing with the threat was economic recovery."⁹⁶ Continuing along the same logic, the idea of the importance of well-aligned economic policies designed to assist European recovery and the ideas of incorporation

⁹¹ Hendrickson, *NATO: The Secretary General*, 14.

⁹² Thomas, *The Promise of Alliance*, 29.

⁹³ Thomas, *The Promise of Alliance*, 29-30.

⁹⁴ Article II of the North Atlantic Treaty, Washington, DC, April 4, 1949. Accessed February 23, 2012 at http://www.nato.int/cps/en/natolive/official_texts_17120.htm.

Thomas, *The Promise of Alliance*, 10.

⁹⁶ Thies, *Friendly Rivals: Bargaining and Burden-shifting in NATO*, 52.

into institutions to support implemented economic policies, was put into Article II of the North Atlantic Treaty in 1949, ensuring that the link between economic and political stability remained.⁹⁷

The economic and multilateral institutionalism mentioned in Article II was also the foundation for the ability to maintain an Article III capacity individually and collectively, a healthy budget being necessary to the maintenance of a military defensive capability. Article III states, “the Parties...will maintain and develop their individual and collective capacity to resist armed attack.”⁹⁸ The idea behind a collective capacity to resist armed attack along with the rise of the Soviet Union perceived as a threat to Western security evidenced by the Czech coup in February 1948⁹⁹ and the Berlin blockade of June 1948, in conjunction with the actual events surrounding the Korean War and communist expansionism, served as the impetus for the organization of NATO, i.e. the expansive “O”¹⁰⁰ which came consequentially out of the North Atlantic Treaty.¹⁰¹ This was hastened by the previous mentioned events, as well as not necessarily by initial design. Article III assists to encourage the manifestation of the institutionalism of Article II.

Another multilateral characteristic of Article III arises out of the collective capacity to resist armed attack. By mutual dependence on each other, parties to the treaty became involved in each other’s national budgets, defense expenditures, and monitoring of the burden sharing to maintain a collective capacity.¹⁰² This characteristic resulted in the “bargaining and burden shifting rivalry” explained by Wallace J. Thies in his book

⁹⁷ Sloan, *Permanent Alliance?*, 17.

⁹⁸ Article III of the North Atlantic Treaty, Washington, DC, April 4, 1949.

⁹⁹ Hendrickson, *NATO: The Secretary General*, 9. “In February 1948, the democratic and West-leaning Czechoslovakian foreign minister, Jan Masaryk, was murdered by either Soviet agents or their Czechoslovakian allies. This event galvanized the American foreign policy elite and provided additional momentum for an alliance with Europe.”

¹⁰⁰ Thomas, *The Promise of Alliance*, 29.

¹⁰¹ Sloan, *Permanent Alliance?*, 18.

¹⁰² Thies, *Friendly Rivals: Bargaining and Burden-shifting in NATO*, 6.

Friendly Rivals.¹⁰³ He explains that a critical component of the transatlantic bargain, and a key descriptive component explaining member state behavior towards each other has been the idea that *burden sharing* is *burden shifting*.¹⁰⁴ Each major player attempted to frame security concerns to the alliance as a whole in terms that pled their own domestic poverty or decreased their responsibility to the collective and subsequently necessitated an increased share of the collective burden to be placed on their allies.¹⁰⁵ Although this behavior may not explain multilateral decision making as will be investigated in the next chapter, it does explain the intimate involvement in each other's domestic, economic, and military affairs by members of the alliance. It also, in conjunction with consultation in Article IV and the North Atlantic Council in Article IX, demonstrates NATO's dependence on member state engagement with each other, all of which is based on the qualitative aspect of multilateralism that materially differentiates it from other decision making mechanisms: generalized principles of conduct.

Article IV is the idea of consultation. It states that "the Parties will consult together whenever, in the opinion of any of them, the territorial integrity, political independence or security of any of the Parties is threatened."¹⁰⁶ Security serves as a catch all, since in some form, it is always being threatened. However, the article necessitates member states to consult together, putting forward a semblance of unity and setting in motion the meeting that could lead to collective action. Additionally, the idea of consultations, of bringing up issues for discussion and debate amongst allies, whether by invoking Article IV due to a security threat, in meetings of the North Atlantic Council or its committees, or even via ad hoc means, is a multilateral form of engagement. Consultations with trusted partners are governed by rules of persistent engagement, i.e. the generalized principles of expected conduct of the multilateral form. Allies cannot openly deceive each other on one issue, or they would not be trusted on the next, nor considered dependable to be in alliance with.

¹⁰³ Thies, *Friendly Rivals: Bargaining and Burden-shifting in NATO*.

¹⁰⁴ Thies, *Friendly Rivals: Bargaining and Burden-shifting in NATO*.

¹⁰⁵ Thies, *Friendly Rivals: Bargaining and Burden-shifting in NATO*, 18.

¹⁰⁶ Article IV of the North Atlantic Treaty, Washington, DC, April 4, 1949.

The North Atlantic Council of Article IX met for the first time on September 17, 1949 in Washington with Dean Acheson as the chair.¹⁰⁷ It created an organizational structure, facilitated the development of an integrated defense plan, and began the process of creating and delegating to committees the accomplishment of specific tasks.¹⁰⁸ Article IX called for a defense committee specifically, which was created, and other subsidiary bodies as deemed necessary.¹⁰⁹ After 1949, the concept of the north Atlantic as a “community” became a central feature of public rhetoric by Acheson and others.¹¹⁰ A community is based on shared principles and common consent—the same underlying features of multilateral engagement. Acheson explained that the alliance must give first priority to the establishment of an integrated defense, in line with American strategic thinking which viewed the Cold War in militaristic terms, but must not lose sight of the larger objectives of building strong economic, social, and political institutions.¹¹¹

When Eisenhower became president, he attempted to increase the efficiency of NATO and reduce U.S. expenditures on defense through an increased reliance on nuclear weapons and a strategy of “massive retaliation.” He also attempted to deepen multilateral principles in NATO, which had been compromised with the growth of influence for the United States that American leadership in the alliance entailed. He tried to spread nuclear weapons to the U.S. allies that were major European powers. He thought that nuclear self-sufficiency would integrate Europe more effectively and contribute to the desired third force, thereby creating a multipolar system. He failed.

In 1956, the North Atlantic Council adopted a report conducted by the “Committee of Three on Nonmilitary Cooperation.”¹¹² It was put together by what became known as the “three wise men,” Foreign Minister Gaetano Martino of Italy,

¹⁰⁷ Thies, *Friendly Rivals: Bargaining and Burden-shifting in NATO*, 60.

¹⁰⁸ Thies, *Friendly Rivals: Bargaining and Burden-shifting in NATO*, 62.

¹⁰⁹ Article IX of the North Atlantic Treaty, Washington, DC, April 4, 1949.

¹¹⁰ Thomas, *The Promise of Alliance*, 33.

¹¹¹ Thomas, *The Promise of Alliance*, 34.

¹¹² Sloan, *Permanent Alliance?*, 49.

Halvard Lange of Norway, and Lester Pearson of Canada.¹¹³ They emphasized the need for better consultation among the members of NATO and for a stronger Secretary General.¹¹⁴ Their findings observed that consultations with allies should entail the discussion of problems collectively and initially, rather than consist of restatements of previously fixed national positions. The objective was to work out better solutions before national policies had become hardened and difficult to change.¹¹⁵ The effect of this report on future alliance rhetoric was that it provided justification for any NATO problem.¹¹⁶ Problems were blamed on a failure of one or another member to adequately consult, in multilateral form, with their allies. Regardless, it emphasized the importance and quality of consultations, provided justification for their continuance, and served as a point of evidence for the good of multilateral debate.

Nuclear strategic thinking made the passage from “massive retaliation” to “flexible response” which necessitated tighter command and control of all U.S. and European nuclear weapons by the U.S. government. Under Kennedy in 1961, U.S. policy implemented as National Security Action Memorandum 40 (NSAM-40) effectively replaced the multilateral organizational principles within NATO designed to create a European pole of power, through the spreading of nuclear weapons. Multilateralism, as a force in U.S.-European relations became secondary to nuclear strategy, although in the 1960s NATO reinforced its political purpose all the same. U.S. leadership influenced the organizational structure within NATO for strategic nuclear deterrence. Nuclear launch authority would exist exclusively in the hands of the U.S. President. This provided a nuclear security guarantee for Europe, but it was a fundamental shift in U.S. policy on the control of nuclear weapons by European allies. Nonetheless, NATO did offer such allies as the British and the West Germans a means to influence such decisions, while the French left eventually left the military structure in 1966. The North Atlantic Council, previously a more equal multilateral forum empowered with political control of NATO,

¹¹³ Sloan, *Permanent Alliance?*, 49-50.

¹¹⁴ Hendrickson, *NATO: The Secretary General*, 20.

¹¹⁵ Sloan, *Permanent Alliance?*, 50.

¹¹⁶ Sloan, *Permanent Alliance?*, 50

degenerated into a mere advisor to the U.S. government when it came to nuclear concerns, which were the most important decisions to be made concerning security and defense during this time period. In terms of the provision of an indivisible good, i.e. security, NATO reflected multilateral principles. However, from 1961 until 1989 the NAC as the primary decision making body for the alliance was somewhat overshadowed by U.S. governmental decision making power and responsibility much a result of nuclear strategy and competition with the Soviet Union.

At a time of upheaval amongst allies with the French withdrawal from the integrated military structure, the Belgian Foreign Minister Pierre Harmel urged the alliance to study which future tasks it should face.¹¹⁷ The subsequent report that this effort resulted in was called the Harmel Report. It was adopted by the NAC at its December 1967 meeting¹¹⁸ and was characterized as a description of the goals for which the alliance seeks: defense and *détente*.¹¹⁹ It outlined two main tasks: to maintain the military strength and political solidarity of the alliance; and to pursue a more stable relationship with adversaries, i.e. *détente*.¹²⁰ The Harmel Report is credited with providing NATO a new sense of direction and purpose in the aftermath of the French withdrawal, which threatened its continued vitality.¹²¹ Although *détente* was largely a bilateral phenomenon between the U.S. and the Soviet Union, the Harmel Report provided a role for NATO, and observed that certain aspects required multilateral solutions.¹²² Mutual and Balanced Force Reductions (MBFR) in Central Europe and the fate of Germany were two.¹²³

¹¹⁷ Thomas, *The Promise of Alliance*, 90.

¹¹⁸ Thomas, *The Promise of Alliance*, 90.

¹¹⁹ Hendrickson, *NATO: The Secretary General*, 27.

¹²⁰ Sloan, *Permanent Alliance?*, 7.

¹²¹ Thomas, *The Promise of Alliance*, 91.

¹²² Sloan, *Permanent Alliance?*, 51.

¹²³ Thomas, *The Promise of Alliance*, 92.

It was the multilateral realm of MBFR that provided the alliance as a whole, and particularly the smaller allies, with an opportunity to enter the complex web of negotiations and linkages that comprised détente. By initiating a multilateral effort, NATO was expected not only to serve as the framework for military preparations against communist aggression, but also to provide the political framework for negotiations with its communist adversaries.¹²⁴

The Harmel report reinforced the alliance's role in and dependence on multilateral engagement as opposed to an exclusive bilateral détente between major powers.

Since 1989, a series of unilateral or U.S.-led "coalitions of the willing" has colored the debate within the NAC and affected a continued debate on U.S. hegemonic responsibility for world order versus alliance cohesion, i.e. U.S. support for the multilateral principles which the United States espoused as the means for peace and stability in the post-WWII landscape. The U.S. engaged in unilateral action at times, built a coalition of willing actors outside the existing NATO alliance structure at others, and supported multilateral engagement when it seemed politically convenient. This behavior forms part of the evolution of the development of NATO and the U.S. relationship within it in the post-Cold War landscape.

With the collapse of the Soviet Union, NATO faced fundamental questions of its purpose in the world. By the end of the 1990s however, it had transformed itself and become a completely different security organization.¹²⁵ A series of reforms, expansions, and retooling for peacekeeping, i.e. crisis actions of several sorts took place. One of the first notable changes and expansions was the unification of Germany. "On October 3, 1990, Germany was officially reunified—as a member of NATO."¹²⁶ This action signified an eastern expansion, a partnership with Russia, and the overcoming of Cold War mentalities. According to Ronald D. Asmus in his book *Opening NATO's Door*, the Clinton Administration was especially supportive of expanding NATO's membership to Eastern Europe, but doing it in a way to build a new cooperative relationship with

¹²⁴ Thomas, *The Promise of Alliance*, 92.

¹²⁵ Hendrickson, *NATO: The Secretary General*, 1.

¹²⁶ Asmus, *Opening NATO's Door*, 3.

Russia.¹²⁷ NATO became involved in securing and stabilizing former adversaries.¹²⁸ “German reunification, declining defense budgets, the withdrawal of U.S. troops from Europe, and the rise of the European Union...led to the emergence of new ones [conceptions] surrounding the extraordinary nature of NATO’s form and function.”¹²⁹ The extraordinary nature of NATO’s form led it to the debate on small-scale military interventions. “For the first time in its history, NATO engaged in military air strikes: first on Bosnian Serbs in 1994 and 1995, and then in Kosovo and the wider Yugoslavia in 1999.”¹³⁰ By the end of the 1990s NATO had become a tremendously important security organization for entirely different purposes. During the Cold War, its main objective was the containment of communism and avoidance of war with the Soviet Union. After its transformation, it became a stabilizing force for new Eastern European democracies, a force for crisis action, and a considerably expanded organization both in membership and in its role as an actor in international security actions.

Today, NATO is effectively a multilateral organization composed of twenty-eight member states, numerous partnerships and dialogues with other states, and organizational relationships with other multilateral institutions such as the United Nations and the European Union. In many regards it is still strongly affected by U.S. decision making power and responsibility. The unique nature of U.S. power projection capability and willingness, the U.S. role in the position of the SACEUR, and other characteristics of U.S. burden sharing, i.e. threat of pulling away from Europe, encourage its overwhelming influence.¹³¹ However, as was seen in the debate over Iraq in 2003, even the influence of the United States cannot force alliance action, or member state participation in conflicts they do not support. In the contemporary landscape, the privileged position of the U.S. has changed form, but still exists.

¹²⁷ Asmus, *Opening NATO’s Door*, 19.

¹²⁸ Thomas, *The Promise of Alliance*, 174.

¹²⁹ Thomas, *The Promise of Alliance*, 175.

¹³⁰ Hendrickson, *NATO: The Secretary General*, 1.

¹³¹ Weber, “Shaping,” 670.

F. MULTILATERALISM IN THE EUROPEAN UNION

Despite an arguable U.S. retreat from multilateralism as the foremost principle for organizing international politics since September 11, 2001, if not before, the nations of Europe have together more thoroughly embraced the principle. This is evident in the development of the European Union's Common Security and Defense Policy (CSDP). The development of such a policy within the multilateral framework of the European Union demonstrates the viability of institutions as influential forums for debate and agreement on substantial changes to national policies on serious affairs such as defense and security. According to Jolyon Howorth, from 1947–1997 Europe was stifled by a security dilemma resulting from different interpretations of Washington's response to a serious European military capability. London feared U.S. defection from Europe if they developed their own security mechanism. Paris assumed the United States would take allies more seriously if they took themselves seriously.¹³² As a result, no significant European security policy outside of NATO could be developed. The main players could not agree. The summit at Saint Malo in 1998 changed this deadlock and permitted the EU to embrace security and defense as a policy area. As a consequence, considerable debate was initiated on the issue.¹³³ This led to the eventual emergence of CSDP. An investigation of the rationale for the EU's development of CSDP, through the use of its multilateral institutional forum, yields additional insight into the importance of multilateral principles to Europe and in international politics in general.

Howorth identifies five underlying forces for why the EU became an actor on the security scene: the end of the Cold War lessened the strategic importance of European security for the United States; UN sanctioned humanitarian intervention was undermining state sovereignty and redefining international norms which transcended the state system (an expertise of the EU); the reappearance of military conflict on European soil (Serbia and Slovenia); the desires of the EU to be a political actor vice merely an economic one necessitated a military capability; and there was a need to strengthen the competitiveness

¹³² Jolyon Howorth, *Security and Defense Policy in the European Union*, (New York: Palgrave Macmillan, 2007) 36.

¹³³ Howorth, *Security*, 36-37.

of European defense industries or they would wither and die.¹³⁴ On the first point, fearing U.S. withdrawal from European security, the EU sought to begin the process of developing a separable security and defense capability. Although NATO remained the most important security provider to the European continent, the development of a military capability that could be employed for crisis management without U.S. leadership became desirable. However, the EU sought to develop this capability under the auspices of a more genuine and equal multilateral framework. Accepting the limitations that this framework would entail, it was thought that the process was as important as the product. This prioritization of slow cooperative development has costs in effectiveness, however it has benefits in cooperative experience. It demonstrates the leading nature of the EU today on the development of international cooperation and innovations in multilateral, regional intergovernmental governance.

On the second point, the EU sought to become a contributor to the international debate on the transcendence of state sovereignty for normative humanitarian purposes, later labeled the “responsibility to protect.” Not only did this new involvement in other states’ internal affairs revise historic conceptions on the justification of war, but it encouraged such actors as the EU, to be in leadership positions to establish the new rules by which such interventions could legitimately occur. For over 50 years, the EU and its institutional predecessors expanded the multilateral framework amongst its member states and reached beyond state sovereignty for mutual benefit. Of considerable interest to an individual values-based Western society, justified humanitarian intervention seemed an avenue to establish international norms for the good of the global community. The EU desired to contribute to this discussion by being capable of acting within it. Such capability required more than exclusively civilian instruments. It necessitated an independent military capability for peacekeeping.

On the third point, conflict in the Balkans in the 1990s exposed the need for Europe to be able to keep its own continent in order. Resorting to national forces would undermine the multilateral nature of EU relations and it was not necessarily in the interest of any particular European nation to act independently. Additionally, relying on NATO

¹³⁴ Howorth, *Security*, 52-57.

support was akin to relying on the United States for a small-scale intervention that should be able to be handled by a European security force. Unfortunately, Europe at this time was not capable of a small-scale intervention without U.S. assistance. The two defining characteristics concerning the establishment of CSDP within the framework of the EU were its truly multilateral character and its autonomy from NATO.

On the fourth and fifth points, further political and military integration supported the increasing influence of the EU as an independent actor in world politics. The ability to carry out mandates, the capability to enforce the legitimacy of its multilateral governance process, and the willingness to act under a peacekeeping mission requested by the UN, a larger multilateral organization, would create the actions able to accomplish actual change, i.e. missions. Advocated by member states, it would do so only by joint intervention of multiple states without selfish national interest or specific short-term gain. This created additional legitimacy and increased the utility of the EU as an actor on the international stage. As long as the actions of its security and defense capabilities are employed with multilateral legitimacy for the creation of stability and peace, the EU will be benefitted by world opinion as an organization. Economies of scale, state subsidies, and other economic factors encouraged the expansion and consolidation of defense industries into larger organizations. Without consolidation of European defense companies, competitiveness would decline and they would become subcontractors for larger foreign firms.¹³⁵

Why has the establishment of multilateralism as a firm principle underpinning the EU's CSDP been constrained by NATO and by the United States? What underlies tension in and around multilateralism in the United States? Why does the United States not support multilateralism now as it did in the late 1940s and 1950s? What is it about the nature of the international system today and the U.S. role within it that seems to make the United States prone to unilateral action and averse to adhere to the international constraints established by multilateral forums? Has the United States forgotten its history and role in establishing the organizational framework of multilateralism? These are the questions to which we now turn.

¹³⁵ Howorth, *Security*, 56.

G. CONFLICTED POSITION OF THE UNITED STATES

The current U.S. perspective on multilateralism contrasts considerably with its position prior to 1961. The United States is torn between the “desire to act through multilateral institutions—offering broad acceptance and legitimacy even if it can be difficult—on one hand and the temptation to act unilaterally—the more efficient and often more promising option—on the other.”¹³⁶ For a state with global responsibilities and possessing the capability to act independently to solve international problems, the allure of unilateral action is ever present. Also, intellectual criticism of multilateralism as an effective force in international politics continues to affect the discourse and thus policymakers in the United States. Critiques include the following: the UN Security Council has failed to ensure a global system of collective security; criticism of the concept of collective security in general; criticism of multilateralism to attain the ends for which it seeks; the undue burden multilateral solutions tend to place on large states; the open and public nature of multilateral negotiations; cases of incompetence, overspending, and other organizational complications for existing multilateral institutions; and the idea that multilateral institutions such as the UN have been more of a liability than an asset to the maintenance of international order.¹³⁷ The countervailing opinion to these criticisms contends that multilateral institutions are beneficial, worth their cost, and that “the United States needs international cooperation to increase the legitimacy and long-term effect of its actions (nation-building depends more on the population than the external influence that removed the dictator) and thus should pursue multilateral solutions wherever and whenever possible.”¹³⁸ “As long as the United States retains such a strong international presence, it must learn how to be a hegemonic power without acting like one...it nonetheless needs cooperation with allies and international institutions to legitimize use of force, win the peace.”¹³⁹ The U.S.’s conflicted position on multilateralism involves its

¹³⁶ Joachim Krause, “Multilateralism: Behind European Views,” *The Washington Quarterly*, 27:2 (2004): 45.

¹³⁷ Krause, “Multilateralism,” 44-47.

¹³⁸ Krause, “Multilateralism,” 48.

¹³⁹ Sloan, *Permanent Alliance?*, 258.

unique position in the world, its desire for efficient use of projected power, and the complicated nature of appeasing the short term desires of a domestic audience for effective action versus long term solutions.

The United States is plagued by its extensive international involvements, its conflicted viewpoint as a force for progress and as the world's policeman. U.S. support for multilateralism is conflicted, but its support for multilateral institutions remains. Every action is weighed between interests and values, a result-based orientation versus a process-based perspective, efficiency versus legitimacy. Extensive power projection capabilities, domestic political challenges, and the assumption of considerable costs are balanced against the desire for short-term results versus long-term solutions. The common theme running through U.S. decision making involves a similar strategic calculus as that made in 1961 of U.S. controlled nuclear response over multilateral political considerations. In the contemporary time period, fifty years have elapsed since the U.S. attempt to impose a multilateral world order on an unwilling Europe, a Europe more interested in a security guarantee than in institutional innovation or political integration. Now Europe, through the EU and the manner in which it developed its CSDP, serves as an example of multilateral success in a countervailing inversion of ideologies. "Since the election of George W. Bush, which coincided with the birth of ESDP, the USA has tended to prioritize military instruments over diplomatic, unilateral approaches over multilateral, war-fighting over nation-building, and ad hoc coalition forming over Alliance nurturing. The EU, for its part, has done pretty much the opposite."¹⁴⁰ The United States is not as strong of a proponent of multilateralism as it once was, and Europe is multilateralism's biggest advocate.

The EU and its CSDP represent European intergovernmental coordination of a higher level than ever before attained. Although CSDP is still in its infancy and pales in comparison to NATO in its level of military integration, in conjunction with the other pillars of EU supra-nationality, it serves as a strong symbol of multilateralism in the contemporary strategic landscape. CSDP proves that the EU is not merely a regional economic organization. Rather, it is a step forward in exclusive European political

¹⁴⁰ Howorth, *Security*, 175.

cooperation, which is multilateral in form. Towards the future, and involving the emerging powers, which are not Western in orientation, what can be expected regarding multilateralism as an organizing principle in international politics? Will multilateralism be useful? Will other powerful states see the utility?

The previous investigation into multilateralism provided a strong sense of its place in Western security development since 1949. The specific cases that will be examined in light of such investigation are the decision making that took place at the UN Security Council and NATO regarding Libya in 2011. However, first a future conception of the place for multilateralism and its relationship to emerging powers is necessary. Despite NATO being an exclusively Western organization, the UN Security Council represents the UN, which is composed of most nations in the world and incorporates two Eastern permanent members, China and Russia, as well as multiple non-permanent members which are materially different in their worldview than the United States or Europe.

H. MULTILATERALISM AND INTERPOLARITY

Two fundamental and lasting influences affecting the international system in the contemporary time period were established by Giovanni Grevi in a paper he wrote called, “The Interpolar World: A New Scenario.”¹⁴¹ He claims that the redistribution of power at the global level is leading to a new form of multipolarity, and that increasing interdependence is affecting the prosperity and security of large powers and thus the broader international community.¹⁴² We know this interdependence in the economic realm as the term “globalization.” Grevi contends that the convergence of these two forces will enable a condition he calls, “interpolarity.”

Interpolarity is multipolarity in the age of interdependence. Interpolarity reflects the shifting balance of power and the ensuing geopolitical tensions while highlighting the fact that the prosperity and security of all the major powers are interconnected as never before...it suggests a set of guidelines for the reform of global governance structures, based on the respective

141 Giovanni Grevi, “The Interpolar World: A New Scenario, Occasional Paper 79, Paris: EU Institute for Security Studies (2009): 9, accessed 15 September at <http://www.iss.europa.eu/uploads/media/op79.pdf>.

142 Grevi, “The Interpolar,” 9.

interests of the main global and regional powers and on the potential for their convergence around concrete policy issues...Interpolarity is interest-based, problem-driven, and process-oriented, as it focuses on the frameworks and procedures that could help bring about cooperative solutions to shared challenges.¹⁴³

Interpolarity, as a concept in the idealized form espoused by Grevi, embodies many of the components of multilateralism, as multilateralism was defined by Keohane, Ruggie, and others. Interpolarity is another form of multilateral cooperation, but mainly among the “poles” of a multi/inter polar system. Its similarities include the conception of states working together to solve common problems in the international system. However, it also includes the aspect of interdependence, which will affect interstate relations for an indefinite period of time in the future.

How will interdependence, interoperability, and changing global power distributions be affected when the major emerging powers possess significantly differing worldviews than the Western powers did over the last 60 years? If multilateralism has been challenged among the United States and Europe, how will it operate between the United States, Europe, China, India, and Brazil? Grevi states that the coherence between Western discourse and practice will be much more closely scrutinized.¹⁴⁴ Double standards undermine the Western normative strategy. The United States and Europe will be less able to escape pointed reminders of their own behavior when seeking to enjoin others to respect basic norms and principles of good political and economic governance.¹⁴⁵ The point is “not to abandon a transformative agenda aimed at expanding the rule of law, human rights and democracy but to pursue it with less rhetoric and more consistency.”¹⁴⁶ In other words, the Western world had better start practicing what it preaches consistently or it will lose its normative high ground, fail in the promotion of its underlying values to

143 Grevi, “The Interpolar,” 9.

144 Grevi, “The Interpolar,” 30.

145 Grevi, “The Interpolar,” 30.

146 Grevi, “The Interpolar,” 30.

rising Eastern societies, and experience a decline in its legitimacy among world opinion. Grevi embraces multilateralism as the organizing principle to achieve cooperation among increasing international players in a new and changing world.

Multilateralism, in its current form, has been a force in international statecraft since the 1940s. It was originally used to form the institutions on which the world would rely for peace and security in the new strategic landscape following WWII. The United Nations and NATO specifically, were created with the ends of multilateralism—as defined and explained in the previous chapter—the engagement by world powers, member states, alliance partners, and other heads of state with each other in institutional forums that operated under generalized and expected principles of conduct. No decision making mechanism is ideal in every case. Interest, especially national interest, and calculations of power and influence, as well as phenomenon such as burden-shifting, inter-alliance partner competition, and conceptions of bargaining have intervened in the practice of multilateralism by state actors. The history of its implementation has been far from ideal, however it has remained a critical tenet upon which state interactions with each other have relied in a great many circumstances that have mattered since the late 1940s. With this foundational and historic basis in multilateralism as an organizing principle of state interactions, the investigation of its application in decision making in the Libyan case begins, first with the UN Security Council and then with NATO.

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III. DECISION MAKING IN THE UN SECURITY COUNCIL

A. RESOLUTION 1973

On March 17, 2011, the United Nations Security Council adopted Resolution 1973 (2011). It invoked Chapter VII of the Charter of the United Nations and authorized member states to take all necessary measures to protect civilians and civilian populated areas, establish a no fly zone, and enforce an arms embargo. It also increased the scope of Libyan government financial assets to be frozen by the member states in which they are located.¹⁴⁷ Chapter VII of the UN Charter includes Articles 39 through 51, and is entitled “Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression.”¹⁴⁸ Article 39 states that “The Security Council shall determine any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures are to be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.”¹⁴⁹ Article 41 authorizes the Security Council to call on member states to apply measures not involving the use of armed force, such as interruption of economic relations.¹⁵⁰ Article 42 authorizes the Security Council to call on air, sea, or land forces to conduct operations to restore international peace and security if it deems the measures in Article 41 would be ineffective.¹⁵¹ Despite the language of “all necessary measures,” UN Security Council Resolution 1973 required the coordination of activities to be conducted with the UN Secretary-General, and prohibited a “foreign occupation force of any form on Libyan territory.”¹⁵² The significance of

¹⁴⁷ United Nations Security Council, Resolution 1973 (2011), March 17, 2011.

¹⁴⁸ United Nations, Charter of the United Nations, Chapter VII.

¹⁴⁹ United Nations, Charter of the United Nations, Chapter VII, Article 39.

¹⁵⁰ United Nations, Charter of the United Nations, Chapter VII, Article 41.

¹⁵¹ United Nations, Charter of the United Nations, Chapter VII, Article 42.

¹⁵² United Nations Security Council, Resolution 1973 (2011), March 17, 2011.

Resolution 1973 is that it is the first time that the UN Security Council has authorized the use of military force for human protection purposes against the wishes of a functioning state.¹⁵³

The background to this decision is well characterized by Alex Bellamy in two articles, “Libya and the Responsibility to Protect: The Exception and the Norm,”¹⁵⁴ and “The new politics of protection? Cote d’Ivoire, Libya and the responsibility to protect.”¹⁵⁵ The latter was co-authored with Paul D. Williams. These articles argue the decisive action on Libya by the UN Security Council was a landmark decision that culminated a series of important changes. In other words, the Libya decision was not made in a vacuum, or out of a context policy on humanitarian intervention as it has evolved in the last two decades. Rather, it was the natural result of a movement, the ideas surrounding the newfound doctrine of the “responsibility to protect,” which had been gathering support and increasing in scope since 1992.¹⁵⁶

B. RESPONSIBILITY TO PROTECT AND SOVEREIGNTY

The “responsibility to protect” is an emerging set of ideas as policy regarding the inherent obligation of governments and the international community at large to protect populations against mass atrocities. This set of ideas calls for a change in values and norms regarding several key pillars of the international system of states. A state’s sovereignty over its territory and people is no longer absolutely inviolable under this conception. In the eyes of the greater international community, a particular state’s sovereignty is now contingent on its ability to protect its population.¹⁵⁷ The inherent responsibility of the international community to intervene in order to prevent mass atrocities, like the genocide that took place in Rwanda in 1994, encompasses a

¹⁵³ Alex J. Bellamy, “Libya and the Responsibility to Protect: The Exception and the Norm,” *Ethics and International Affairs*, (2011), 1.

¹⁵⁴ Bellamy, “Libya.”

¹⁵⁵ Alex J. Bellamy and Paul D. Williams, “The New Politics of Protection? Côte d’Ivoire, Libya and the Responsibility to Protect,” *International Affairs*, vol. 87, no. 4 (July 2011).

¹⁵⁶ Alex J. Bellamy and Paul D. Williams, “The New Politics of Protection? Côte d’Ivoire, Libya and the Responsibility to Protect,” *International Affairs*, vol. 87, no. 4 (July 2011), 825.

¹⁵⁷ Thomas G. Weiss, “RtoP Alive and Well after Libya,” *Ethics and International Affairs*, (2011), 1.

requirement to act, on those that are capable of doing something. This newfound call to action for the purposes of humanitarian protection of populations necessitates an international institution, an organization such as the UN, to regulate and provide a community mandate for acceptable external intervention, potentially against the wishes of a functioning, but negligent or belligerent state authority.

The “responsibility to protect” was officially accepted by the UN General Assembly on September 15, 2005, in its adoption of the outcome document after the 2005 World Summit.¹⁵⁸ Point 138 of that document states that “each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity...”¹⁵⁹ and that the international community should assist states in this effort. It essentially outlines that states are responsible for the safety and security of their populations. Point 139 includes an additional and direct responsibility of the international community to protect populations exclusive of state governments. It empowers the international community to use peaceful, as well as other means through the Security Council to fulfill its responsibility of protecting populations from atrocities.¹⁶⁰

The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity.¹⁶¹

158 United Nations General Assembly, 2005 World Summit Outcome, September 15, 2005, 1.

159 United Nations General Assembly, 2005 World Summit Outcome, September 15, 2005, 31.

160 United Nations General Assembly, 2005 World Summit Outcome, September 15, 2005, 31.

161 United Nations General Assembly, 2005 World Summit Outcome, September 15, 2005, 31.

The UN is prepared to authorize action through the Security Council in cooperation with relevant regional organizations should peaceful means be inadequate and national authorities fail to protect their populations.¹⁶²

Since 1999, the Security Council has regularly invoked Chapter VII to protect civilians. Authorizations for peace operations in Sierra Leone, Haiti, Burundi, Liberia, Sudan, the Democratic Republic of the Congo, and the Ivory Coast all included the language to “use all necessary means” to protect civilians.¹⁶³ Not only was the “responsibility to protect” unanimously supported by UN member states at the 2005 World Summit,¹⁶⁴ but it has been reaffirmed in two additional Security Council resolutions: 1674 (2006)¹⁶⁵ and 1894 (2009)¹⁶⁶, in a report of the UN Secretary General entitled “Implementing the responsibility to protect,”¹⁶⁷ and in the establishment of a new joint office for R2P and the prevention of genocide.¹⁶⁸

Previous thinking on international organization incorporated tenets of absolute state sovereignty and territoriality established originally during the Peace of Westphalia in 1648 in order to end the carnage of the wars of religion. In this evolution of the international system of the five leading states, the cabinets agreed to respect each other’s territory and population as long as a sovereign ruler governed them on a common basis of ideas and statecraft. This view of international system of states was strengthened until the Twentieth Century resulted in two catastrophic world wars that decimated Europe. The first attempt at collective security stood in the Covenant of the League of Nations, a failed experiment that led to catastrophes and the miscalculations that contributed to world war. The second attempt emerged as the United Nations as a forum for keeping the

162 United Nations General Assembly, 2005 World Summit Outcome, September 15, 2005, 31.

163 Bellamy and Williams, “New Politics of Protection,” 828.

164 United Nations General Assembly, 2005 World Summit Outcome, September 15, 2005, 1.

165 United Nations Security Council, Resolution 1674 (2006), April 28, 2006.

166 United Nations Security Council, Resolution 1894 (2009), November 11, 2009.

167 United Nations General Assembly, “Implementing the responsibility to protect,” Report of the Secretary-General, January 12, 2009.

168 Bellamy and Williams, “New Politics of Protection,” 827.

peace amongst world powers in 1945.¹⁶⁹ Article 1 of the UN Charter includes two precepts for its existence that have come into conflict: “to maintain international peace and security,” and “to be a center for harmonizing the actions of nations in the attainment of these common ends.”¹⁷⁰

The idea behind the UN was not to violate state sovereignty, which all members took as given, but rather to use an international organization to encourage clarity of state diplomacy and thereby prevent war among major powers, the world’s worst atrocity up to that point. Recent actions by states that lacked the capability to govern and prevent atrocities on their sovereign territory, or by leaders that lost a mandate to govern their own population and sought to put down rebellion with genocide, have brought the idea of state sovereignty and its territorial integrity into question as an inviolable organizing principle of the international system. Member states of the UN have recently supported international intervention to protect populations from atrocities. In order to reconcile the competing principles of maintaining international peace and security and harmonizing the actions of “nations,” the language of recent R2P doctrine incorporates a higher purpose for state government. If any government cannot or is unwilling to protect its people, other capable actors in the international community may violate that state’s national sovereignty in the effort to fulfill their newfound obligation to protect civilian populations from atrocities.

C. HUMANITARIAN INTERVENTION

The importance of this newfound justification for international intervention is that it has changed the debate within the Security Council from “questions about *whether* to act to protect civilians to questions about *how* to engage.”¹⁷¹ Has a multilateral consensus on the “responsibility to protect” been achieved? Are discussions of specific and particular national interests in relation to a proposed intervention subordinate to the

169 United Nations, Charter of the United Nations, Introductory Note.

170 United Nations, Charter of the United Nations, Chapter I, Article 1.

171 Bellamy and Williams, “New Politics of Protection,” 825.

obligation to protect populations? Has R2P become the “commonly accepted frame of reference for preventing and responding to mass atrocities?”¹⁷² Or, prior to Libya, was it a hollow, catchy slogan without a major humanitarian intervention to its credit.¹⁷³

An interesting phenomenon resulted from the progression of interest and adherence to R2P. Once states agreed that a government’s main responsibility is the security of its population in principle, and they also agreed on international cooperation to prevent mass atrocities when governments fail, they left little political room to maneuver. Now, when a case is presented with overwhelming evidence of an impending atrocity, states cannot hide from intervention behind the idea that their intervention would violate the offending state’s sovereignty. If a state doesn’t agree that an external intervention to prevent an atrocity is in its own interest, it must argue on another point. States have already agreed to the “responsibility to protect” in principle. Thus, it has become an accepted frame of reference for state conduct and adherence is expected in multilateral forums by other members and by the public at large.

Authoritarian states may fear that too much support for external intervention could lead to a similar action in their own countries in the future. But, to argue against the action they must shift the debate to argue about the potentially unwelcome effects of action, the timing of action, the type of action, etc. and not focus on whether the action itself is warranted. By their previous admission, they exhibit moral opposition to the killing of populations. However, they may be concerned with the consequences of an international intervention for the future strategic landscape, and interpret it as against their national interest. Either way, because they agree with the principle underlying the doctrine, they are constrained in their opposition.

Although the movement behind R2P began under the premise that states would desire help, it recently expanded to involve actions without the approval of the host nation authority. In fact, the case of a regime being the offender, the instigator of mass atrocities against its own people, was the central premise that made the decision on Libya

¹⁷² Bellamy, “Libya,” 1.

¹⁷³ James Pattison, “Introduction for Roundtable: Libya, RtoP, and Humanitarian Intervention,” *Ethics and International Affairs*, (2011), 2.

so different than the decisions invoking similar principles that came before, such as those in Somalia in 1992 and Rwanda in 1994, both of which took place to ease the situation after a humanitarian crisis had largely already occurred. In the former case, the decision to intervene by the UN was in the absence of a central government, and in the latter it was with the consent of the interim government.¹⁷⁴ These cases differ from Libya in timing, lack of central government opposition, in the lack of established international embracement of ideas surrounding the “responsibility to protect,” and in the willingness of international actors to involve themselves in crisis actions outside the periphery of great power realms of influence. The cases in Somalia and Rwanda came only a few years after the fall of the Soviet Union and the beginning of the post-Cold War era, a time of great uncertainty for the implications of international interventions.

How can the Security Council vote on Libya in the year 2011 be interpreted given this logic? What do the public statements by voting members say about their interests, beliefs, and willingness to put words into action? What other factors influenced the vote in this particular case? The Security Council is made up of five permanent members: China, France, Russia, the United Kingdom, and the United States. These members have a veto option on any non-procedural proposal. What this means is that any proposal for UN Security Council authorization of the use of force can be stopped by any one of the five. The UN General Assembly elects the other ten members for a period of two years.

Decisions of the Security Council on all non-procedural items, i.e. those that matter, shall be made by an affirmative vote of nine members including the concurring votes of the permanent members. It takes nine votes and no opposition by any one of the five permanent members to pass any proposal. Under this system, the Security Council serves as the representative body of all member states, making recommendations for world security, the prevention of war, and the maintenance of peace. State size, military strength, national interest and the potential for state-sanctioned use of force cannot be hidden as primary requirements for permanent members.

174 Alex J. Bellamy and Paul D. Williams, “The New Politics of Protection? Côte d’Ivoire, Libya and the Responsibility to Protect,” *International Affairs*, vol. 87, no. 4 (July 2011), 825.

The Security Council has no constitution or guiding document that provides constraints and boundaries for its decision making, except the broad procedural guidance in the UN Charter. Its principles revolve primarily around the security interests of its five permanent members and secondarily around ideas of generalized principles of conduct such as the “responsibility to protect.”¹⁷⁵ However, these ideas are not binding. They only serve to influence because states can be held to public scrutiny when verbally supported principles do not match their actions. Regardless, the influence of peer acceptance and public scrutiny can be effective guideposts for freedom of maneuver in multilateral forums. Consistency is a highly sought after and rewarded characteristic for all participants. Without it, member states risk their credibility and future effectiveness on issues that may be more important.

The five permanent members have an overwhelming influence, as they would if they existed in the anarchic international system of realist theorists’ conception without any organizing body. However, ten non-permanent members represent the rest of the UN General Assembly and procedurally serve to buffer the interests of the five powers through the requirement to have nine affirmative votes. Although all of the five permanent members have the capability to operate without UN Security Council authorization, they risk domestic disapproval, alienation, economic sanctions, and a general loss of influence on the world’s stage without it. Despite the peculiar arrangement of influence in the Security Council, the EU, NATO, and most states, at most times, regard the Security Council as the accepted forum for international legitimation of any “use of force” decisions besides self-defense. The UN Security Council is the sole accepted authorizer of non-self-defense “use of force” actions that concern other states, especially any of the five permanent members. The UN Security Council is thus the most accepted legitimating body for R2P, although it must call on other organizations to act under its authorization.

175 The Economist, “Responsibility to Protect: An idea whose time has come—and gone?” The Economist, July 23, 2009, accessed February 23, 2012 at <http://www.economist.com/node/14087788>.

D. SPECIFICS OF THE LIBYA CASE

The Security Council adopted Resolution 1973 authorizing member states and coalitions to take all necessary measures to protect civilians under threat of attack in Libya on March 17, 2011. The vote was ten in favor, with five abstentions (Brazil, China, Germany, India, and Russia.) Resolution 1973 came less than three weeks after Resolution 1970,¹⁷⁶ on February 26, 2011, which was unanimous, and reflected many of the same sentiments, but did not include the authorization for the use of force. The Security Council was presented with evidence of widespread and systematic attacks by the Libyan government against demonstrators and the surrounding civilian population. Resolution 1970 condemned the violence, called on the Libyan government to stop it, and instituted an arms embargo, a travel ban for selected members of the Gaddafi regime, and an asset freeze. No member of the Security Council opposed the resolution. After almost three weeks of continued violence, overt public declaration by Gaddafi to kill his own people, substantial evidence of human rights violations, and the impending attack on cities by massed troops positioned just outside, five members of the Security Council opposed the use of external force to prevent the imminent atrocity by abstaining on the vote for Resolution 1973.

Two factors are especially significant: who opposed it, and what they said regarding their opposition. In this case, abstaining from the vote reflected the nature of the opposition of the five members. They opposed aspects of the resolution, but not entirely. Such opposition would have been inconsistent with their previous advocacy and support of the principle of R2P. They opposed action against the Libyan regime enough to make the point of their opposition known in a formal abstention. However, they did not want to carry the responsibility of having prevented action by others to stop the atrocity. In a way, that could have singled them out as being responsible for the atrocity, were it to occur. Political maneuvering was enabled by the structure of the Security Council, the ability to abstain, and the ability to voice concerns. As a result, effective authorization was not hindered and a mandate for action was achieved that reflected the actual politics of the Security Council on this topic.

¹⁷⁶ United Nations Security Council, Resolution 1970 (2011), February 26, 2011.

The abstainers explained their votes in a Security Council Press Release. India was concerned that it did not have clear information back yet from a Secretary-General envoy to Libya. India drew attention to a lack of certainty regarding who would enforce the measures.¹⁷⁷

Brazil stated that its opposition wasn't meant to "condone the behavior of the Libyan authorities or in disregard for the need to protect civilians."¹⁷⁸ However, Brazil was not convinced that the use of force would lead to the common objective—the immediate end of violence and the protection of civilians. Brazil was also concerned that the measure approved in Resolution 1973 could have the unintended effect of exacerbating the current tensions and causing more harm than good to the very same civilians they were committed to protect.¹⁷⁹

Russia expressed concern that its questions remained unanswered. Russia was especially concerned with who would conduct the action and what the limits of the engagement would be. Russia was keen to state that, although it had some disagreement about the best means to the same end, i.e. a ceasefire versus direct action, it was not preventing the adoption of the resolution.¹⁸⁰

China stated its longstanding opposition to the use of force when all peaceful means had not yet been attempted. It also had specific questions that were not answered. China also pointed out that it had not blocked the passage of the resolution because it attached great importance to the requests of the Arab League and the African Union.¹⁸¹

Germany voiced concern about the likelihood of large-scale loss of life if military action ensued, and stated that participants might be drawn into a protracted military conflict that would expand into the region. In keeping with a restrained foreign policy beyond the borders of Europe as concerns force of arms, Germany would not support the

177 United Nations Security Council, "Security Council Approves 'No-Fly Zone' over Libya, Authorizing 'All Necessary Measures' to Protect Civilians, by Vote of 10 in Favour with 5 Abstentions," Press Statement, March 17, 2011.

178 United Nations Security Council, "Security Council Approves," March 17, 2011.

179 United Nations Security Council, "Security Council Approves," March 17, 2011.

180 United Nations Security Council, "Security Council Approves," March 17, 2011.

181 United Nations Security Council, "Security Council Approves," March 17, 2011.

resolution, or contribute its own forces to any military effort that resulted from its implementation. Germany also did not oppose the resolution with a negative vote, which would have served as a trademark of its opposition. Instead Germany abstained.¹⁸²

Brazil expressed the most articulate and purposeful opposition, although it was not confident enough in its position to vote against the resolution. It likely did not want to suffer the consequence of recrimination were the action deemed a success. Abstaining allows a non-permanent member to voice opposition, but not risk being marked as the sole state preventing action. It also allows for some wiggle room, between previously expressed support for R2P and opposition in this particular case, at least at the time of the vote and in the manner proposed.

China and Russia have expressed consistent opposition to Western-inspired interventions when it comes time for action despite previously expressed support for R2P in principle. R2P has made it harder to say “no,” without justification.¹⁸³ These two countries moved the debate regarding Libya from a question of *whether* there was a “responsibility to protect” to a question of *means*. In that capacity, they were able to oppose the resolution for the lack of precise prescription and the failure to try everything else first. They did not want to support the resolution, yet they did not want to be seen as roadblocks to its implementation either. They did not want to be viewed as complicit in the deaths of large numbers of civilians, were that to occur because the Security Council failed to act because of their votes. Both authoritarian powers already have enough public opinion challenges regarding human rights in general. They operate as influential but contrary permanent members who understand the effects of their votes and their advocacy. They are careful not to be seen as being too helpful to the west. They reserve being overly pragmatic for their primary interests. In either case, the public images of Russia and China would not have been helped by any sense of direct responsibility for another humanitarian disaster.

182 United Nations Security Council, “Security Council Approves,” March 17, 2011.

183 Simon Chesterman, “Leading from Behind: The Responsibility to Protect, the Obama Doctrine, and Humanitarian Intervention in Libya,” *Ethics and International Affairs*, (2011) 6.

Germany presents the most striking complication: a country with international aspirations, the economic backbone of Europe, with talented leaders and a significant part of its political culture opposed to the use of force. Instead of aligning with its well-advocated principles¹⁸⁴ evident in the founding documents of the European Union and its newfound Common Foreign and Security Policy, Germany diverged from its French and British partners in an attempt to follow a special path to appease domestic political mood that is populist and pacifist. In an unexpected act of distancing itself from its long established allies, France, the United Kingdom, and the United States, Germany abstained. With a series of local elections coming soon in which the coalition government was buckling, economic interests in the BRIC (Brazil, Russia, India, China) nations, and a general unwillingness to contribute troops that no longer exist, Germany was unable to maintain consistency of purpose and a sense of international responsibility in the face of selfish domestic interests.¹⁸⁵ Germany's aspirations to match international influence with its current economic might will likely be compromised by a statecraft of parochialism as well as under resources of military force as well as lack of solidarity with allies in the face of compelling humanitarian need.¹⁸⁶

On the whole, the actions of the abstainers and their statements reflect a few key observations. Permanent members of the Security Council are well aware of their responsibilities to their domestic populations, their fellow major powers, and the greater international community. Absent an overwhelming national interest or means to absorb the effects of singular responsibility for an imminent international atrocity, they were unwilling to stand in the way of those that were trying to help. Non-permanent abstainers had some justification for their opposition. However, none felt strongly enough to vote against the resolution. Regarding the cases of Brazil, China, and India, it is surmised that

184 Eve Bower, "Germany's Libya policy reveals a nation in transition," ed. Rob Mudge, *Deutsche Welle*, December 9, 2011, accessed February 23, 2011 at <http://www.dw.de/dw/article/0,,15367751,00.html>.

185 Bruce D. Jones, "Libya and the Responsibilities of Power," *Survival*, 53:3, 51-60, (June/July 2011), 55.

186 Henry Chu, "The World; Germany goes its own way on Libya; The NATO nation's decision to sit out the military mission draws criticism from within," *Los Angeles Times*, April 2, 2011, accessed January 29, 2011 at ProQuest.

such newly emerging powers have little interest in overthrowing the global system on which their prosperity was built.¹⁸⁷ They are not being problematic towards the West without cause. It is as if they have mastered the rules of the game, and now Western thinking is changing one of the rules. They are understandably cautious. It is a success of the multilateral manner, i.e. the influence of generalized principles of conduct, that the debate did not rekindle arguments on the legitimacy of international community involvement in Libyan affairs under the established “responsibility to protect” doctrine. Rather, the debate revolved around whether military action would help or hurt the situation, a reasonable question.

E. FOUR REMARKABLE FACTORS IN LIBYA

What drove the supporters of intervention in Libya to support the resolution and to support it so quickly? Four factors have been identified which made the events leading up to Resolution 1973 remarkable.¹⁸⁸ These factors—and the lack of effective opposition by the abstainers—fostered international consensus and motivated states to action. First, Muammar Gaddafi was internationally abhorred. He did not have many friends or business relations that made any nation want to protect his regime. Second, the threat of impending catastrophe was clear and evident. Gaddafi had personally promised it, his forces were positioned to inflict it, and they had been conducting smaller scale actions already. Third, important regional organizations such as the Arab League and the African Union were in support of the intervention. Fourth, the timeframe for action was short. As was learned from Rwanda in 1994, genocide can take place quickly, before the situation captures the attention of the world. Because of the short timeframe, members of the Security Council were forced to show their cards quickly.

The structure of the UN Security Council offers an imperfect but not wholly inaccurate reflection of power and interest through its permanent membership by the world’s most influential states. Despite the peculiar nature of different classes of membership and the existence of ten non-permanent and rotational members, it was able

¹⁸⁷ Anders Fogh Rasmussen, “NATO after Libya: the Atlantic Alliance in Austere Times,” *Foreign Affairs*, (Jul/Aug 2011), accessed Jan 26, 2011 at ProQuest.

¹⁸⁸ Bellamy and Williams, “New Politics of Protection,” 825.

to adopt Resolution 1973 in the Libyan case. Having the ability to discuss state interests and concerns prior to and after the votes in person, and in public press releases, and having options besides positive or negative votes helped to achieve enough consensus for a decision. The ability to record an abstention provides limited, but sufficient, political room for maneuver to allow for actions on divisive issues. The nuance of voting for or against an action, versus abstaining, is no small factor in international politics.¹⁸⁹ When the ramifications of decisions have tremendous effects on the international standing of nations and the domestic standing of national leaders, nuance and political “wiggle room” become extremely important. The balance between this factor and a means to come to a decision, such as a minimum vote of nine affirmatives, was met in the Libyan case.

The other factor that influenced this decision was the progressive buildup of international support, justification, and previous formal adoption of the “responsibility to protect.” It was the unanimous adherence to these principles that allowed the discussion on Libya to be about “how” and “when” versus “whether” or not R2P existed and intervention could occur. This material difference likely prevented outright opposition, or “no” votes based on the reluctance to violate national sovereignty. Lastly, the four straightforward characteristics present in the Libyan case that made it remarkable were the unpopularity of Gaddafi, the clear and evident threat, regional support, and the short timeframe for action. Without these characteristics motivating rapid action, it would have been tremendously more difficult, if not impossible, to justify intervention with a UN Security Council resolution. Because of the clear-cut nature of this case, the landmark decision to institute international R2P against the interests of an existing state was made. Only decades into the future will the outcome of the Libya case be determined. However, if a comparable case arose in the interim, the precedent established for Libya might assist to attain UN Security Council authorization and justification for external intervention more easily.

189 Leo G. Michel, “NATO Decisionmaking: Au Revoir to the Consensus Rule?,” Strategic Forum no. 202 (Washington, DC: Institute for National Strategic Studies, National Defense University, August 2003), 3.

IV. DECISION MAKING IN NATO

A. NATO RESPONSE

The violence in Libya imposed itself on NATO in early 2011. Reports that peaceful protests had resulted in overwhelming violence by the Gaddafi regime were met with calls to end the repression by NATO's Secretary General.¹⁹⁰ NATO seemed poised to act in crisis response just as soon as the UN Security Council approved authorization for military intervention. Instead, however, several allied and partner states met together in Paris and organized themselves as a "coalition of the willing" that did not start out under NATO auspices—all while a meeting of the NAC was postponed.¹⁹¹ Within a few hours of the completion of this meeting on March 19, 2011 military action commenced to protect civilian areas and enforce a no-fly zone over Libya.¹⁹² Why didn't NATO members act under the flag of NATO command? What was it about the decision making process in NATO that contributed to this peculiar arrangement? The timeline of events, carefully crafted statements in press releases, and news reports that may contain leaked information yields some insight into the way the decision to command the operation in Libya eventually occurred.

On February 21, 2011, the NATO Secretary General, Anders Fogh Rasmussen, submitted a press release condemning the violence committed on civilian protestors by Libyan authorities and called for it to stop. He explained his position as a representative of an alliance of democracies, which believe that the will of a people cannot be ignored.¹⁹³ On February 25, 2011 another press release stated the North Atlantic Council

¹⁹⁰ NATO, "Statement by the NATO Secretary General on events in Libya," Press Release, February 21, 2011.

¹⁹¹ Communiqué, "Paris Summit for the support to the Libyan People," March 19, 2011, accessed February 23, 2012 at <http://www.state.gov/p/eur/rls/or/158663.htm>.

¹⁹² John Irish and Elizabeth Pineau, "French planes make first strikes in Libya operation," Reuters, March 19, 2011, accessed February 23, 2012 at <http://uk.reuters.com/article/2011/03/19/uk-libya-paris-idUKTRE72I3RP20110319>.

¹⁹³ NATO, "Statement by the NATO Secretary General on events in Libya," Press Release, February 21, 2011.

had met and discussed the situation in Libya, and that the NAC believed the turmoil affected the safety and security of thousands of citizens, including some from NATO countries.

B. NORTH ATLANTIC COUNCIL

The North Atlantic Council is the senior political decision making body of NATO and acts more or less according to the consensus rule embodied in the Washington Treaty. The Council was established under Article 9 of the North Atlantic Treaty. Each of the twenty-eight member nations who are party to the treaty, contribute a Permanent Representative to the NAC. These ambassadorial level members serve as the primary country representatives, although occasionally heads of state, government, or defense attend to represent their nations. The Secretary General runs meetings of the NAC, provides political guidance, and attempts to coordinate amongst the members. “Much of the leadership provided by NATO’s secretary general is exercised in closed-door sessions of the North Atlantic Council (NAC) or in informal discussions in NATO’s hallways.”¹⁹⁴

The North Atlantic Treaty, unlike the UN Charter, does not specify how decisions of the NAC are made, except in connection with membership. (Article 10 states that unanimous agreement is required to invite new states to join the alliance.)¹⁹⁵ However, since its creation in 1949, NATO has developed a tradition of making decisions by consensus¹⁹⁶—that is, general agreement among all members on positions or actions taken in the name of NATO.¹⁹⁷ The consensus rule reflects NATO’s structure. It is an alliance of independent and sovereign countries, with a limited and specific legal personality of its own. It is not a supra-national body. NATO does not possess authority over its members. Rather, the reverse is true. “No Ally can be forced to approve a

¹⁹⁴ Ryan C. Hendrickson, *Diplomacy and War at NATO: The Secretary General and Military Action after the Cold War* (Columbia and London: University of Missouri Press, 2006), 40.

¹⁹⁵ The North Atlantic Treaty, Article 10, Washington, DC, April 4, 1949, accessed February 23, 2012 at http://www.nato.int/cps/en/natolive/official_texts_17120.htm.

¹⁹⁶ Leo G. Michel, “NATO Decisionmaking: Au Revoir to the Consensus Rule?,” *Strategic Forum* no. 202 (Washington, DC: Institute for National Strategic Studies, National Defense University, August 2003), 1.

¹⁹⁷ Hendrickson, *NATO: The Secretary General*, 2, 3, 40.

position or take an action against its will.”¹⁹⁸ Consensus is required for united action under NATO. This is especially important on politically sensitive issues, one of the most critical being the use of a country’s troops in combat. The structure of NATO is reflective of its original primary mission, a collective defense organization, composed of sovereign states. The strength of the alliance depends on cohesion and the maintenance of membership. Divisive issues, such as participation in small-scale contingencies are secondarily important to maintaining the goodwill and support of all allies for their collective defense.

Typically NATO decisions are based on draft proposals, whether in one of the various committees or in the NAC. The Secretary General, the International Staff, and individual allies initiate draft proposals. “Written proposals generally are preceded in a variety of forums, including bilateral or multilateral discussions in allied capitals, allied missions at NATO Headquarters, the NAC, and committees and working groups established by the NAC.”¹⁹⁹ Consultations consist of the socialization process of garnering support; identifying concerns or objections, and re-crafting proposals in mutually agreed on ways. The idea is to get buy-in and make the necessary adjustments before a proposal is brought up for a decision. After all, in a totally consensus decision making process, one objection can defeat a draft proposal.

C. ACHIEVING CONSENSUS

It is very difficult to examine the influence of the Secretary General, any country representative, or figure out how the alliance came to a decision because the written release of any NAC discussion requires approval of all member states, which normally takes thirty years. Press releases, statements, news reports, country actions, external influences, and the organizational structure and purpose offer the best clues to the decision making that may have taken place in the NAC. The Secretary General stands out as the strongest figure that facilitates the achievement of consensus in the NAC.²⁰⁰ Also, it is assisted by a decision making procedure in which he possesses the initiative.

198 Michel, “NATO Decisionmaking,” 2.

199 Michel, “NATO Decisionmaking,” 1.

200 Hendrickson, *NATO: The Secretary General*, 40.

The Secretary General has no power to vote or force any decision, however, he is empowered with the role of introducing proposals to be voted on and can choose to do so under a procedural mechanism called the “silence procedure.” In meetings of the NAC “the silence procedure is only exercised by the secretary general, but it is used with the backing of most states in the alliance.”²⁰¹ Under the silence procedure the Secretary General circulates a draft proposal and if no ally breaks silence, i.e. makes its opposition known in writing before the deadline set by the Secretary General, the proposal is considered approved.²⁰² If an ally does break silence, then it is referred back for further work in the attempt to achieve consensus. The use of this procedure biases decisions towards approval of the item under consideration. If the Secretary General circulates a draft proposal before a national position has been determined, members will likely not oppose the decision without considerable cause. Members do not want to be the sole obstructer to alliance action, nor to isolate themselves amongst their peers. Instead, they can do nothing and if later they determine they should have opposed the decision the case can be made to their publics that they did not support the decision.²⁰³

NATO does not reveal to the public which member state broke silence, although national positions are often purposely made public in some way, i.e. leaked to the press, especially on contentious issues.²⁰⁴ The silence procedure forces a less enthusiastic ally to formally oppose the secretary general. If it were to be made public, although it is known in the NAC and amongst the twenty eight allies, dissenting opinions would cause two things: world knowledge of dissent at NATO reducing the perceived strength and unity of the alliance, and public knowledge of the particular spoiler within NATO.²⁰⁵ Both are undesirable. Since there is no formal voting procedure, nor any requirement to explain positive, negative, or abstentions to the public, NATO either acts or it doesn't. If it acts, it does so because it has achieved consensus. Any expressed opposition was not of

201 Hendrickson, *NATO: The Secretary General*, 107.

202 Michel, “NATO Decisionmaking,” 1, 2.

203 Hendrickson, *NATO: The Secretary General*, 108.

204 Michel, “NATO Decisionmaking,” 1, 2.

205 Hendrickson, *NATO: The Secretary General*, 107, 108.

sufficient strength and willingness to risk public disclosure, prevent other allies from acting in the name of the alliance, or compromise in any material way the primary purpose of collective defense.

In the effort to maintain alliance cohesion, a disagreeing member state makes its disagreement known privately. Such a member state may express an unwillingness to participate in an action, but most importantly doesn't do or say anything under the silence procedure. This allows representatives political wiggle room. "The nuance between a decision making procedure that allows an ally to acquiesce in a collective decision (despite its public or private reservations) and a procedure that would oblige that state to cast a yea or nay vote in the NAC may appear...insignificant. In practice, the nuance matters enormously."²⁰⁶ The silence procedure can serve to insulate representatives from their domestic critics. It contributes to the achievement of consensus by allowing for representatives to not have to explain their support for an item to dissenting voters at home.²⁰⁷

D. LIBYA

One day after the NAC met and publicly disclosed that it was monitoring the situation in Libya, February 26, 2011, the UN Security Council passed Resolution 1970. This first resolution stopped short of authorizing international military intervention.²⁰⁸ On March 8, NATO deployed AWACS aircraft to monitor any movements in Libyan airspace, i.e. Gaddafi air forces preparing to bomb civilians.²⁰⁹ On March 10, NATO defense ministers agreed to move alliance ships to the area to boost monitoring efforts.²¹⁰ On March 17, the UN Security Council met and passed Resolution 1973, authorizing member states and regional organizations to use all necessary means to protect civilians

²⁰⁶ Michel, "NATO Decision making," 3.

²⁰⁷ Hendrickson, *NATO: The Secretary General*, 108.

²⁰⁸ United Nations Security Council, Resolution 1970 (2011), February 26, 2011.

²⁰⁹ NATO website, "NATO and Libya: Operation Unified Protector," accessed February 23, 2012 at http://www.nato.int/cps/en/natolive/topics_71652.htm?

²¹⁰ NATO website, "Operation Unified Protector."

and civilian areas, but prohibited occupation forces.²¹¹ On March 19, NATO ambassadors met to discuss involvement, but no decision was taken.²¹² “A NATO diplomat said Britain, the United States and Canada wanted NATO to take a lead in the operation but Paris was lukewarm on the idea.”²¹³ “France seems to have some problem with it being a NATO operation, given NATO's reputation in the Arab world as a result of Afghanistan and given that NATO is seen as an alliance dominated by the United States,” he said.²¹⁴ Additionally, France was “determined to prove its diplomatic clout after its clumsy handling of the revolt in Tunisia,” and sought to lead a world response to the crisis in Libya.²¹⁵

Also on March 19, several world leaders met in Paris by invitation of the President of France, then Nicolas Sarkozy. This session was an attempt to achieve consensus for coordinated military intervention in Libya.²¹⁶ A communiqué was published listing the attendees and stating the results of the conference: a determination to take military action consistent with Resolution 1973.²¹⁷ This communiqué expressed the hopeful intentions of the attendees but did not obligate any to provide forces. Angela Merkel, the Chancellor of the Federal Republic of Germany, was in attendance, and we know from Germany's vote on the UN Security Council, that the FRG was not in favor of sending troops to Libya. Hours after the meeting concluded, French warplanes, under a unified command structure led by the United States, struck targets in Libya.²¹⁸ The U.S.

211 United Nations Security Council, Resolution 1973 (2011), March 17, 2011.

212 Irish and Pineau, “French planes.”

213 Irish and Pineau, “French planes.”

214 Irish and Pineau, “French planes.”

215 Irish and Pineau, “French planes.”

216 Euronews, “Paris summit on Libya underway,” March 19, 2011, accessed February 23, 2012 at <http://www.euronews.net/2011/03/19/paris-summit-on-libya-underway/>.

217 Communiqué, “Paris Summit for the support to the Libyan People,” March 19, 2011, accessed February 23, 2012 at <http://www.state.gov/p/eur/rls/or/158663.htm>.

218 Irish and Pineau, “French planes.”

Department of Defense announced that “coalition forces launched ‘Operation Odyssey Dawn’ today [March 19] to enforce U.N. Security Council Resolution 1973 to protect the Libyan people from the country’s ruler.”²¹⁹

For the next thirteen days, a series of pronouncements was made regarding NATO’s increasing level of participation. Under the name of the alliance, NATO began to assume command of more and more components of the operations over Libya. NATO itself slowly assumed command from the coalition of NATO member countries who participated in the initial strikes: France, the United States, the United Kingdom, Canada, with assistance from Italy, and in partnership with two non-NATO nations from the Arab world, the United Arab Emirates and Qatar.

On March 22, the NATO Secretary General announced “NATO has decided to launch an operation to enforce the arms embargo against Libya with NATO ships.”²²⁰ He also announced NATO had “completed plans to help enforce the no-fly zone—to bring our contribution, if needed, in a clearly defined manner to the broad international effort.”²²¹ On March 23, the Secretary General announced that NATO Allies have now decided to take on enforcement of the no-fly zone over Libya.²²² On March 24, he announced that “NATO Allies have now decided to enforce the no-fly zone,” and “all NATO Allies are committed to fulfill their obligations under the UN resolution. That is why we have decided to assume responsibility for the no-fly zone.”²²³ He also stated that there would be both a coalition operation and a NATO operation, but that NATO was considering whether it should take on a broader responsibility.²²⁴

219 Jim Garamone, “Coalition Launches ‘Operation Odyssey Dawn,’” American Forces Press Service, March 19, 2011, accessed February 23, 2012 at <http://www.defense.gov/news/newsarticle.aspx?id=63225>.

220 NATO, “Statement by the NATO Secretary General on Libya arms embargo,” Press Release, March 22, 2011.

221 NATO, “Statement by the NATO Secretary General on Libya arms embargo,” Press Release, March 22, 2011.

222 NATO, “NATO Secretary General’s statement on no-fly zone over Libya,” Press Release, March 23, 2011.

223 NATO, “NATO Secretary General’s statement on Libya no-fly zone,” Press Release, March 24, 2011.

224 NATO, “NATO Secretary General’s statement on Libya no-fly zone,” Press Release, March 24, 2011.

As the spokesman for the organization, the Secretary General expressed the sentiments of the NAC in his daily press briefings. This new point was often difficult to articulate because of the initial lack of consensus among influential NATO members about whether NATO should lead the operation or be involved at all. Interestingly, the same member states agreed that the operation must take place, and instead formed an initial coalition outside the alliance. The process of achieving consensus to eventually lead the effort took place over two weeks and was outlined by the increasing level of responsibility for the operation that NATO was willing to take, made public by the Secretary General.

On March 25, it was reported by sources from the United Kingdom and France that Western allies and Turkey had secured a deal to put the entire military campaign under NATO command by next week.²²⁵ This deal was expected to end the disagreements among allies, but needed consensus from the NAC. According to the previous day's press release from the Secretary General, consensus had not yet occurred. It is surmised that those sources were reporting that the critical disagreeing participants: France, the United Kingdom, the United States, and Turkey had come to an agreement, and that agreement within the NAC was expected.²²⁶ On March 27, the NATO Secretary General announced that NATO allies had decided to take on the whole military operation under Resolution 1973, and that NATO's top operational commander was to begin executing this with immediate effect.²²⁷ On March 31, it was announced that NATO took sole command of international air operations over Libya. The operation was named Operation Unified Protector and included the arms embargo, no-fly zone, and actions to protect civilians and civilian population centers.²²⁸

In a reprise of earlier issues connected with France and the Mediterranean as far back as the 1950s, NATO decision making was hindered by disagreement about who should command the operation. France wanted to play the star in this crisis response, and

²²⁵ Traynor and Watt, "France gives way to Turkey."

²²⁶ Traynor and Watt, "France gives way to Turkey."

²²⁷ NATO, "Statement by NATO Secretary General Anders Fogh Rasmussen on Libya," Press Release, March 27, 2011.

²²⁸ NATO, "NATO takes command in Libya air operations," Press Release, March 31, 2011.

did not want it to occur under the flag of NATO, with whom it has had a conflicted relationship. However, in 2009, France completed a step-by-step process whereby it re-integrated itself into NATO's military command, which it had more or less formally left in the late 1960s, but had approached again since the 1990s. France did not want the Libya action to be commanded by NATO.

The United States was initially hesitant to lead another crisis response. The United States felt that Libya was in Europe's backyard, therefore it was happy to allow Europe to assume the burden. Also, the United States did not want to be seen conducting another military operation in a Muslim country. The United Kingdom wanted the action conducted under NATO auspices. It wanted strong approval and participation by the United States, ensuring its "special relationship" and close alliance remained intact. Turkey, incensed with France for so many snubs on its national pride by President Sarkozy, and whose support was absolutely crucial—the West's most important link with the Muslim world—demanded that the action come under a NATO flag.²²⁹ Germany, who abstained from the vote in the Security Council that passed Resolution 1973, maintained that it would not contribute troops. Germany continued to express support for its ally's intentions of preventing mass atrocities, but was unwilling to support with action because of domestic politics as well as a shortage of deployable troops from chronic underfunding. Considering the rift between Turkey and France, as well as Germany's vote in the Security Council, a consensus decision in a meeting of the North Atlantic Council on March 19 would have been unlikely. However, another avenue, an ad hoc meeting of national leaders without the strains of formal organization, provided the additional political flexibility to achieve the necessary support for united action. Thus, on March 19, a Communiqué calling for military action supported by the coalition of assembled states was released, and a few hours later French warplanes were over Libyan skies.²³⁰

229 Traynor and Watt, "France gives way to Turkey."

230 Communiqué, "Paris Summit for the support to the Libyan People," March 19, 2011, accessed February 23, 2012 at <http://www.state.gov/p/eur/rls/or/158663.htm>.

E. IMPLICATIONS OF CONSENSUS

As a result, the NATO alliance, the most capable and multilateral security organization with the most international legitimacy, was prevented from immediate action despite having a UN authorization for crisis response. The main criteria for international intervention under the “responsibility to protect” doctrine was met in the Libyan case: regional support for action was clear, the threat was indisputable, the timeframe to act was short, and an international mandate for action was present. Additionally, Gaddafi’s regime was internationally unpopular, with no major power willing to stand by it. As a result, there was no major obstacle standing in the way of NATO action besides its own multilateral consensus based decision making system as well as the imponderables of war amid the largest economic crisis since the 1930s. The proposed action was even considered “just” by a leading thinker on “just war” theory.

Nigel Biggar presented the case that coalition action in Libya was *just* under international law by examining it against the agreed on tenets: *just cause*, *right intention*, *competent authority*, *last resort*, *proportionality*, *jus in bello*, and *just peace*.²³¹ He concluded that under the “responsibility to protect” doctrine Gaddafi forfeited his right to non-intervention. The protection of civilians by the international community sufficed as *just cause*.²³² Since the only evidence of motive for action was humanitarian, *right intention* existed, i.e. the interveners did not have designs on winning Libyan territory, resources, or other selfish motivations. The UN Security Council and Resolution 1973 provided *competent authority*. The clear threat and lack of previous measures to deter Gaddafi met the condition of *last resort*. The principle of *proportionality* is met if the good achieved is thought to outweigh the harm that will likely arise from military action. A matter of belief, there was evidence to suggest that this was the case in Libya. *Jus in bello* is met if the conduct of operations complies with the principles of proportion and non-combatant immunity, which was the very *raison d'être* for the action, i.e. Gaddafi’s attack on non-combatants. Will the action result in a *just peace* is a difficult question to

²³¹ David Fisher and Nigel Biggar, “Was Iraq an unjust war? A debate on the Iraq war and reflections on Libya,” *International Affairs* 87:3 (2011), 701-704.

²³² Fisher and Biggar, “Unjust war,” 701-702.

answer and will depend more on the actions of the Libyan people afterwards than the military operation itself. If it is believed that the operation will enable Libyan self-realization, then it can be considered to meet the principle in theory. Biggar concluded that although judgments of how well the action in Libya accorded with *just war* theory was subject to continual reassessment, the action was initially *just*.²³³

Rarely is an international intervention supported as thoroughly as that in Libya. Russian and Chinese abstentions in the Security Council offer the strongest consent that can historically be expected from the authoritarian powers. There was a clear authorization from the UN Security Council. There were requests for action by regional organizations. A clear and incontrovertible threat, likely to result in imminent crimes against humanity, was made public by the pronouncements of Gaddafi himself. A recent history of formal adoption and verbal embracement of the doctrine of “responsibility to protect” justified the violation of a principle held dear for centuries, state sovereignty. There was no debate refuting that change in a previously strongly held sentiment. The new general principle of international intervention in such cases was argued only on other points. Additionally, by an expert account the intervention was judged to be “just” under the most stringent of principles of international law, an extremely difficult measure to meet.

Despite these favorable conditions, and probably much the result of the war weariness from the Afghan campaign, continued action in Kosovo, and the uncertainty which would have plagued a formal meeting of the North Atlantic Council, NATO was prevented from taking the initiative in the full organizational sense of its capacity for collective action. However, because the members of NATO through years of consultations, debate, working through divisiveness on issues such as Iraq, and because of innumerable diplomatic consensus building events in and alongside the NATO framework, were able to form an ad hoc coalition and meet in an alternative venue, that was supported by those involved. Despite disagreement about the ideal form of intervention, the decision was made to act quickly in the attempt to avoid a potential calamity like what occurred in Rwanda in 1994, and sort out the diplomacy and public

233 Fisher and Biggar, “Unjust war,” 703-704.

relations aspect of the campaign afterwards. This enabled rapid action and a symbolic lead by France who was interested in being in front, command and control by the United States, the most capable and ready actor with comprehensive military resources but a conflicted position on wanting to lead the conflict. The United States desired to avoid being seen as the instigator of action, was happy to give up the limelight, and looked for an early exit of its involvement, happy to shift the burden to NATO as soon as it was politically feasible.²³⁴ Although other influential actors desired the action to be conducted under the auspices of NATO, they were more interested in it happening before any responsibility could be placed on capable actors for not acting, if large-scale loss of civilian life occurred. In the positive sense, NATO, facilitated this action by its members and partners through its history as a multilateral forum for consultations. On the contrary, it was not prepared for action in the name of its organization because its decision making process favored inaction until all members could reach consensus. The positive viewpoint expresses the idea that NATO is a force for the promotion of its principles of “democracy, individual liberty, and the rule of law”²³⁵ as much as it is an organization ready to conduct enforcement actions in its name, that serve to justify its existence as a international security actor.

A coalition of the willing and the capable conducted the initial actions. It took two weeks for the decision making process at NATO to catch up, despite the fact that the same actors were playing multiple roles. National leaders, because of the disagreements previously enumerated and a lack of desire to coordinate within the NAC, found it easier to coordinate a military action outside of the NATO alliance.

What are the implications of such a decision making process? It doesn't stop action by member states coordinating together in “coalitions of the willing” outside NATO. How does this affect the alliance? First, it supports the structure of NATO as it currently exists, a body of sovereign states aligned with the primary purpose of providing for the common defense. Consensus based decision making may yield slow results. It

²³⁴ Although not specifically referred by Wallace J. Thies in his book, *Friendly Rivals: Bargaining and Burden-Shifting in NATO*, this perspective of the United States is in line with his argument.

²³⁵ North Atlantic Treaty, The. Washington, DC, April 4, 1949. Accessed February 23, 2012 at http://www.nato.int/cps/en/natolive/official_texts_17120.htm.

may prevent rapid action by the alliance in crisis response operations. It may cause strife between members because of disagreements on matters that are not central to the purpose of the alliance. However, consensus based decision making in NATO, with the assistance, guidance, and leadership exhibited by the Secretary General, can ensure that when the alliance makes a decision, it is supported in principle by all members, even if all do not participate. The strategic implications of this decision making process serve to strengthen the alliance for its primary purpose, collective defense, even though it may compromise crisis response.

Were NATO to have a decision making procedure that forced a vote, a public admission of each nation's stance, or a process akin to the European Union's qualified majority rule, it would likely have seen a different result. Members would have been constrained by domestic political consideration in the effort to reach a decision. Germany likely would have abstained, or even voted against the Libyan action. France definitely would have opposed, and then found it harder to change its position once it had cast a vote. Even if it passed, a tally of the votes would demonstrate that NATO was a divided organization. It might, or might not obligate non-consenting members to participate. Such obligation would be a violation of the sovereignty NATO attempts to defend. Such a decision making procedure might serve to force a vote, or force collective action on a crisis response operation that all members did not support. It would surely cause division and weaken a pillar of the foundation of the alliance, the institution, the collective capacity to resist armed aggression by working together, and the faith in mutual fidelity to Article 5. A consensus based decision making mechanism is the correct means for members of NATO to come together on issues which involve the use of force.

The consensus based decision making procedure was viewed as a procedural problem in the hundreds of committees subordinate to the NAC by previous Supreme Allied Commander Europe from 2003 to 2006, General James L. Jones, USMC, Retired. However, it was viewed as the appropriate decision making mechanism in the North Atlantic Council. General Jones stated that the alliance's decision making needed to be more agile. "The 350 committees in NATO behave as if they see themselves as mini-NACs—little versions of the North Atlantic Council that much operate on the same

consensus system as the NAC itself. That means that slow and painful lowest-common-denominator decision making prevails.”²³⁶ General Jones suggests that the consensus rule has been stretched too far. There are too many committees, which are too slow to act, and which have been endowed with too much decision making prerogative by the NAC. General Jones does not criticize or comment on the ineffectiveness of the consensus rule in the NAC. Political decision making, at the highest level for the alliance is bound by its membership of sovereign states. Decision making in this type of forum must incorporate room for political maneuver in order to account for the compromise necessary to create cohesion among disparate interests. Additionally, the conflict between the primacy of domestic political concerns of member state democracies whose leaders are in power by virtue of the will of their populations contrasts with the organizational requirement for relevancy embodied in decisive crisis action on international security dilemmas—which may or may not threaten the perception of security in member states.

Consensus takes time to build. Minds occasionally have to be changed. Interests sometimes have to be explained. Disagreements have to be mitigated. These things take time, especially when so much is at stake. The time involved in achieving consensus among twenty-eight member states does not present a challenge to NATO’s relevance in crisis action responses, since innumerable other options are available to its member states. Nor is timeliness a reason to change the decision making rule which has kept the alliance united for so long. Rather, the multilateral discussion and debate that leads to consensus strengthens the solidarity and expected conduct of members and partners.

NATO’s multilateral decision making process based on consensus is part of the character of the organization that derives from the values of its democratic political cultures in their variety. In NATO’s fight for continued relevance in a changing world, against those that would argue its cost exceeds its benefit—in light of the post-Cold War strategic landscape, i.e. no threatening Soviet expansionism or Warsaw Pact organization—NATO has found a difficult role as the crisis response arm of western

²³⁶ David S. Yost, “An Interview with General James L. Jones, USMC, Retired, Supreme Allied Commander Europe (SACEUR), 2003-2006,” in Research Paper, NATO Defense College, no. 34 (January 2008), pp. 1-7, available at http://www.ndc.nato.int/download/publications/rp_34.pdf, 1, 2.

democracies in ex-Yugoslavia, Afghanistan, Libya and elsewhere. When NATO reaches consensus among its twenty-eight member states and has the backing of a UN Security Council authorization, it is clearly the most capable and appropriate security actor in the world. However, the dynamic interaction of member states in NATO's decision making process takes time and will likely slow NATO from immediate action. Generalized, expected, and consistent principles of conduct will guide NATO's decision making process, as previous acceptance of the "responsibility to protect" doctrine assisted its eventual consensus on armed intervention in Libya. However, the burden sharing of state involvement in operations, perceptions of the effectiveness of military intervention, and national domestic political concerns will require time to vet, mitigate, and overcome. Previously accepted principles of conduct that have been derived and upheld in multilateral forums and actual operations, will provide the best foresight and guidance for quicker future decision responses by the alliance.

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V. CONCLUSION

NATO ended its military action in Libya, Operation Unified Protector, on October 31, 2011.²³⁷ In the NATO press release of October 28, 2011 announcing this update, NATO's Secretary General stated that NATO launched this complex operation faster than ever, complied with the mandate of the United Nations to protect the people of Libya, and was standing by to assist if called on again.²³⁸ The operation may have marked a land-speed record for NATO, but it wasn't launched as fast as the coalition of willing NATO members and partners that began operations almost two weeks before NATO assumed command. The timeline of press releases evidenced and the sequence of announcements tells the story of NATO's decision making process much differently than the summaries of NATO actions completed after the fact. Summaries and later announcements appear to make the case that it was a NATO action all along. In fact, it was not, and there was good reason for it—the NATO decision making process had not yet resulted in consensus.

By the definitions provided in the Chapter I, NATO and the United Nations are multilateral organizations. They are both are multilateral in form, coordinating national policies in groups of three or more states and adhering to certain principles of ordering relations among member states and the international community.²³⁹ The key component of multilateralism that qualitatively differentiates it from other forms of international relations is not evident merely in the numbers of states involved, but rather by fidelity to generalized principles of expected and consistent conduct that all parties have agreed apply universally and are unrelated to the particular or strategic interests of any particular member for any particular case.²⁴⁰

²³⁷ NATO, "NATO Secretary General statement on end of Libya mission," Press Release, October 28, 2011.

²³⁸ NATO, "NATO Secretary General statement on end of Libya mission," Press Release, October 28, 2011.

²³⁹ Ruggie, "Multilateralism," 565, 567.

²⁴⁰ Ruggie, "Multilateralism," 571.

The UN is a multilateral collective security organization with representation by almost all states in the world. Despite its decision making mechanism that subjects any significant security decision to veto by any of the five permanent members of the UN Security Council, it is guided by generalized principles of conduct. Ideas about appropriate state behavior in the contemporary strategic landscape mitigate the balance-of-power, interest-based framework on which UN Security Council membership and voting relies. Avoiding significant conflict between the great powers and preventing world war is the most important objective of the UN Security Council and the aim for which it was designed.²⁴¹ Nevertheless, the public and multilateral forum in which decisions are debated is influenced by generalized principles of conduct.

NATO is based on two multilateral principles: the indivisibility of threats to the collectivity, and the requirement of an unconditional collective response.²⁴² The collective defense guarantee is the primary good provided by the alliance. Although it was originally designed to counter a specific threat, the defense guarantee remains highly valued by members and sought after by potential members and partners. The consensus based decision making tradition that has provided alliance cohesion over the last 60 years and several turbulent periods is unlikely to be sacrificed in the name of more effective crisis response, no matter how strong the perceived need to prove relevancy in a dynamic international system. NATO includes three of the five permanent members of the UN Security Council and operates under many of the same principles of conduct that guide state behavior in the international arena.

The decision making process in the UN Security Council and in NATO is similar in many respects. Both are multilateral. Both are influenced by the discussion and debate of other members, as well as by the vetting of particular state interests which may be different than those assumed. Both are subject to a delayed understanding of issues by their populations before the cycle of news and domestic debate catches up with international requirements. Members of both organizations are often constrained to articulate their position before national support can be gauged. Member positions on

²⁴¹ Ruggie, "Multilateralism," 587.

²⁴² Ruggie, "Multilateralism," 570.

issues in both organizations are subject to the scrutiny and criticism of other members. Because of this dynamic, consistency and predictability are highly valued. Members that regularly take positions contrary to previous positions will have a difficult time explaining their perspective and will not be taken seriously. Benefits from interstate cooperation are based on a sense of trust and reliability between the states. Thus, members of both organizations are subject to the conforming pressure of adhering to previously articulated positions. This phenomenon is one of the characteristics that result in multilateral relations being characterized by generalized principles of conduct. If interest were the dominating construct, then positions could fluctuate from case to case as state interests changed. However, it is a requirement of the multilateral forum that states divulge the principles to which they agree in advance and without any particular case as an example. When a case arises, their position will be constrained to conform to their previous commitment. Related issues can still be argued, but general agreement on important principles is ensured. Because of this, everything is not up for continual debate and a point of agreement forms the basis for working together on common solutions. Both NATO and the UN Security Council are influenced by this multilateral characteristic.

Decision making in the UN Security Council differs from that in NATO in many significant dimensions. The character of membership is one dimension. Another is the public versus private nature of debate. A third is the difference in result. In cases before the UN Security Council, the item up for decision is usually an authorization for action by others. It is essentially great power permission to act with force in the international system. In cases before the NAC, the result of decision is often action itself. Action costs, authorization does not. Action results in a burden and a sense of direct responsibility. Authorization results in a political position that constrains future action, but does not necessarily result in any physical requirement. This difference in scope and type of responsibility is significant for potential future burdens of action.

Another difference is substitution. There is no substitute for UN Security Council authorization. It is the generally accepted body to legitimate international intervention. Without a UN Security Council resolution, states that interfere in the sovereign domain of

other states, besides in a straightforward self-defense action, are isolated against world opinion. They feel the brunt of the burden of explaining their actions with little or no support, and they face significant obstacles to explain that their position may not have been legitimate, but it was right.

On the contrary, if NATO fails to approve an action, there are innumerable substitute courses of action available. Any unilateral action, or coalition of the willing, even of NATO members, will suffice to conduct a crisis response. Although, perhaps not the most desired organization of forces, coalitions provide the means to act without directly threatening alliance cohesion. As a result, it is known during the decision making process that there are ways of accomplishing the same mission if all members cannot come to a consensus. This makes the nature of debate in NATO different than that in the UN Security Council.

There are two classes of membership in the UN Security Council. Threat of veto by permanent members, i.e. the so-called great powers, significantly affects the voting process. This unequal membership composition reflects more accurately the possession of power in the international system than a representative scheme designed to treat all states the same. The NAC is composed of supposedly equal state representatives, but a few states also have seats on the UN Security Council, some possess a nuclear capability, and one wields the influence of overwhelming conventional expeditionary power projection anywhere in the world. Nevertheless, the decision making process relies on equal formal representation and the attainment of consensus by all members for action to proceed. However, to assist consensus, a procedural rule is used to influence otherwise indecisive members to conform. Both UN Security Council and NATO formalized decision making processes are affected by behind the scenes deals, overt and clandestine debate, as well as strategic calculations of other member positions. However, the same is true of junior high school dating and politics in general. Nevertheless, the differences in membership affect the different decision making processes.

The significant similarity in both is the accommodation of political space in which member states can maneuver. Such nuances may appear trivial, but as national governments try to navigate the chasm between the diplomatic relations to reach

international agreement and the requirement to appease fluctuating domestic audiences, every little bit counts. The allowance for abstentions in UN Security Council votes and the lack of formal voting in the NAC, both of which result in members able to say that they did not support an action effectively has the same result. They both contribute to the attainment of agreement by allowing for a little “wobble room.” Some states may not desire a particular action, yet they may not necessarily oppose it either, especially if they are not required to participate. They may be more interested in the benefit of solidarity than the consequence of divisiveness if they do not have a strong opinion on the particular case. In other words, they may allow others to act if it does not affect them negatively.

The private nature of debate in the NAC prevents close scrutiny. It also results in indirect methods of determining state positions by those that are not privy to the discussion. In some circumstances this may help those that change their positions in the maintenance of alliance cohesion to keep a sense of consistency not afforded to those whose positions are made public immediately, such as in the UN Security Council. For example, France clearly changed its tune sometime after the initial stages of the Libyan operation. The impetus that provoked this turnabout is unknown. Also, the debate regarding the initial decisions by the coalition of the willing is not available. As a result, France is saved some public scrutiny of its potential inconsistency. The public does not know the reason behind either of its positions and thus cannot judge their respective merits. Were this to be the case in the UN Security Council, all decisions would be public from the start, and France may have felt increased pressure to conform with its original position even if circumstances had changed considerably. A turnabout in a public forum requires justification that can be understood universally, or a decline in international standing will result. Germany is such a participant in this regard. It abstained in the UN Security Council and then supported the action at the NAC, if by no other means than by not opposing it. Regardless, Germany’s abstention in the UN Security Council, a public forum, has resulted in considerable criticism of its position and no doubt affected its relations with other states. Public forums are affected differently than private ones. They require a greater consistency of adherence to principles and values.

What contributed to international action in Libya? How were two different organizations able to come to a decision that action was warranted? Quite simply, three factors stand out. The first factor is the significant effect of the multilateral nature of the decision making processes in both the UN Security Council and in NATO. Although different in form, nature, and purpose, both are guided by the material characteristic that defines multilateralism and qualitatively differentiates it from other forms of organizing international relations: adherence to generalized principles of expected conduct. Such behavior is generated and reinforced by the organizations and institutions that conduct affairs in groups of three or more states, and which have an open forum for debate, at least amongst members.

The second factor is the recent international movement and formalized support for the overarching principle of the “responsibility to protect.” Without such public declaration of support for a principle that dramatically altered a basic notion of international relations in existence for over three hundred years, it is unlikely that authorization for action in Libya would have been granted. Instead, a debate on the benefits and consequences of violating state sovereignty would likely have interfered with action in any particular case. However, since states were able to come to agreement on the principle in advance, with no specific state interest at stake, the general adherence served to provide a point of agreement that influenced the later debate. This was evidenced by the nature of argument in the UN Security Council by those that abstained. Their argument focused on the effectiveness of action, whether it would help or hurt the situation, if the timing was right, and which organization should intervene. The argument did not revolve around whether it was acceptable to violate Libya’s sovereignty to prevent atrocity. Already established and agreed on was the principle that a state’s government was responsible for the protection of its civilian population. If unable, or unwilling, the international community also had a “responsibility to protect” that population in order to prevent atrocity.

The third factor involves the four driving characteristics that were particular to the case in Libya in 2011. The international unpopularity and isolation of the Gaddafi regime left it without any support amongst the international community. The clear and credible

threat on the population made by Gaddafi himself, and backed up by the positioning of troops, armor, and existing small-scale violence on civilian areas was indisputable. Regional support from important organizations and neighboring states called for a crisis response and requested military action to intervene. Lastly, the short timeframe for action forced a decision, or the international community might suffer another catastrophe like Rwanda in 1994, where it took too long to recognize what was occurring and decide on a course of action. Because of these four unique circumstances, decisive action was possible in Libya.

The question remains of how effective multilateral decision making processes were in these organizations in this particular case. There is no standard amongst national actors, international organizations, or others in the realm of decisions to go to war, decisions to avoid a particular conflict, or decisions to engage in a crisis action operation. Each decision has value because it upheld the existing principles, of which the parties to the decision claimed to hold dear prior to being called to act. Only decades into the future will an historic evaluation of the decision to intervene in Libya, opposed to other possible courses of action, be weighed against the consequences that are yet to occur. Enough time has not yet elapsed to historically evaluate the decision to intervene in Libya. As a result, the metric for evaluation is limited to a qualitative analysis of what can be known about the principles to which states party to the decisions, in each respective organization, espouse in verbal form or written agreement. In both organizations, the decision to act in Libya was made by the participants who were party to the decision. In the case of the UN Security Council, there were some abstentions, but even those actions were made in a calculating way so as to not prevent action by others. In the case of NATO, consensus, however achieved, was the driving force behind the organization's action. Every member state agreed to allow action in the name of the alliance, whether it chose to contribute forces directly, indirectly behind the scenes, or did not participate at all. These decisions were also made with the caveats that reflect the politics of each organization that arise from the history and customs of the institution as well as the domestic politics and national interests of the allies and powers as well as the other myriad factors that affect statecraft.

In the UN Security Council, the membership of the non-permanent side reflected a unique conglomeration of states that reflect the state of the international system in the mid Twentieth century. In NATO, the decision to act was slowed by a disagreement among major members and by a substitute option. However, the argument presented in this paper suggests that the decision making processes reinforced the structure of each organization and their respective primary purposes. If successful, crisis response actions are desirable to provide stability and potentially stop small-scale problems from becoming regional or international conflicts. However, crisis response actions are not the *raison d'être* for either organization and entail significant use of policy with force and statecraft to achieve a limited end of policy.

The UN and NATO play a significant role in the modern world despite their origins in the 1940s. Neither is ineffectual if it doesn't make a correct and timely decision on a crisis action. Both organizations are part of the multilateral world order, created in the post-WWII landscape by the influence of the United States, and designed to prevent another world war. Although they differ in several respects, both organizations have at their heart the concept of collective security and the maintenance of peace. World war amongst great powers is the worst calamity that must be prevented. Crisis actions are important, but not at the expense of lessening the impact of the organizations which have assisted the avoidance of large-scale conflict by great powers over the last sixty years.

Each organization's multilateral decision making process is effective for the designs of which it was created, and in this case for crisis action as well. In the Libya case, they both succeeded in decisive action to support a "just" crisis action response. The future will tell if it was effective in the long term. Both organizations succeeded in reinforcing their primary purpose by effectively coordinating state action with respect to the principles which guide their structure and avoiding significant conflict between influential and powerful states. Both organizations are stronger and more effective, not just because they acted on Libya, but because they acted in accordance with their principles, their primary purpose, and with the maintenance of their structural integrity in mind.

What is the future of multilateralism in world security with no end of violence in nations and between nations? A search of the term in scholarly journals reveals that the term is only significantly used as an explanative concept in papers that have multilateralism as its topic. However, by the definition provided, multilateralism is intimately involved in the structure of contemporary international relations and the importance of this process is growing. Despite the fact that it is taken for granted as an integral part of modern institutionalism, continued investigation of its nature, form, and effect remains a major assignment for scholars and makers of policy in search of understanding of the character of events around them.²⁴³

The question remains if multilateralism, as an organizing principle for interstate affairs, can provide stability in light of the changing nature of global power and the emergence of additional great powers in the international arena? Can multilateralism survive a multipolar structure? To this question, the history of U.S. proponency of multilateralism as the means to create a multipolar structure in the aftermath of WWII provides some clues to previous thought on the topic. It was widely believed then that only a multipolar structure would provide international stability. Sixty years later, with increased interdependence, this presumption is questioned anew. Perhaps it is not merely the pole structure of the international system which affects its stability, but rather the organizing principles by which its actors choose to interrelate on serious affairs? Examples include the multilateral ends of NATO, which provides security as an indivisible good for its members despite a reliance on U.S. leadership. The European Union serves as an example of the largest experiment of states' willingness to reduce their own sovereignty for the concept of diffuse reciprocity. The EU's Common Security and Defense Policy represents the modern emergence of the multilateral form on the most

²⁴³ This study put aside the investigation of several additional aspects of the decision making processes in each organization. The historical voting/advocacy behavior of each participant was not evaluated over the period of existence of each organization. Previous correlations between state votes or advocacy was not made to see if certain relationships could be derived. The lack of access to the minutes of the NAC was a hindrance to this type of research. Also, the domestic debates by the major players in each organization were not investigated fully. The short timeframe of threat to action prevented a thorough vetting of this issue in many domestic audiences. Also, an assessment was not made regarding the influence of contemporary domestic politics on each individual member's behavior. All of these topics are worthwhile areas of future study that may yield additional insight into this case as more information is made available.

serious of topics—security and defense. This change is taking place under the most challenging of circumstances: conflicted support by the United States and forced reliance on NATO. Additionally, the UN remains a significant multilateral forum for debate on an increasing number of topics that effect large numbers of states and the global commons. The examples of these institutions, their growing influence, and their increasing reliance on principles of accepted conduct, provides some evidence that multilateralism will remain a central tenet of stable international relations as power relationships change and states rise and fall in influence.

The United States, as the world hegemon, remains a considerable variable when it comes to the future of its engagement in multilateral form. The gap between the U.S.'s power and its global influence has been widening.²⁴⁴ However, the United States has an insatiable desire for continual innovation. This desire underpins the success and stability of its economic model and drives its influence to every section of the world. The United States may improve its reputation, and it may be that a harkening back to its unconditional support for multilateralism will provide the tools for it to do so. Regarding America's need to restore its influence, Richard Holbrooke said, "restoring respect for American values and leadership is essential not because it is nice to be popular but because respect is a precondition for legitimate leadership and enduring influence."²⁴⁵ The United States needs to lead the innovative efforts to shape the world in the image it desires it to reflect—as if the United States were no longer the military and economic power it now is. These are the considerations that shaped American foreign policy experts in the post-WWII era when they incorporated multilateralism as a means to create a multipolar world. They are the considerations that should be incorporated today. The world is too interdependent to do otherwise.

244 Grevi, "The Interpolar," 11.

245 Grevi, "The Interpolar," 11.

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